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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW

MELISSA JAYNE CALICE,

Plaintiff,

vs. File No. 12-017215-DZ-4

RICHARD ANTHONY CALICE, JR.,

Defendant.

_____/

TRIAL

BEFORE THE HONORABLE JAMES T. BORCHARD, CIRCUIT JUDGE

Saginaw, Michigan - August 12, 2015

APPEARANCES:

For the Plaintiff: TIMOTHY R. McLEOD (P29880)
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Defendant: IN PRO PER

REPORTED BY: JEFFREY D. STUPAK, RPR, CSR 8314
Official Court Reporter

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1 Saginaw, Michigan

2 August 12, 2015

3 (At 9:20 a.m., proceedings commenced.)

4 THE CLERK: Melissa Calice vs. Richard Calice,
5 12-17215-DZ.

6 THE COURT: Parties ready to proceed?

7 MR. McLEOD: Good morning, Your Honor.

8 MR. CALICE: Your Honor, I am not ready to
9 proceed. I need to enter into -- I am here as a special
10 appearance. I do not consent to --

11 THE COURT: State your name first.

12 MR. CALICE: My name is Richard Anthony Calice,
13 Junior. My name is stated on my federal employer badge.

14 There's been a horrible mistake in identity
15 where this court has been led to believe, and others have
16 been led to believe, that I reside at 820 North Michigan
17 Avenue. Mail addressed to a federal employee has been
18 received and opened at that address. I went to that
19 address yesterday, Mr. McLeod denied that there was any
20 mail there. And so I'm very curious and concerned as to
21 why Saginaw would think that I live in that address. And
22 so I'm here as a -- making a special appearance, not
23 because I submit to any jurisdiction here.

24 THE COURT: This is the date and time set for
25 your trial, the trial will proceed today, you can do it

1 by special appearance, or personal appearance, or however
2 you want to. We know that you don't live in Saginaw,
3 Michigan. We know that you live in Maryland, and that's
4 where your mail has gone to from the courts. This court
5 does have jurisdiction, and we will proceed with the
6 trial today.

7 MR. CALICE: Federal documentation from the
8 IRS, Internal Revenue Services, is inconsistent with that
9 statement.

10 THE COURT: Okay. Well, I don't know where
11 that mail goes, but this is the date and time set for --

12 MR. CALICE: That mail goes to 820 North
13 Michigan Avenue, as directed by someone here who has an
14 oath of office --

15 THE COURT: Who would that be --

16 MR. CALICE: -- to uphold and support -- let me
17 see if I can read that. I just -- your court clerk
18 provided this to me yesterday.

19 I guess this -- it was -- I said this --
20 apparently, Mr. McLeod said this person was directing
21 parties to send mail addressed to me, all revenue and tax
22 documents, to his address, as if I lived there and he
23 would open it up. But Mr. McLeod does not represent me,
24 and in fact there seems to be a disturbing pattern -- I'm
25 sorry. Your Honor, you asked for -- this is the --

1 THE COURT: What is it? Just tell me what it
2 is.

3 MR. CALICE: His name is Fred L. Borchard. Is
4 there any relation?

5 THE COURT: Vaguely. We have the same mother
6 and father.

7 MR. CALICE: Okay. I have in front of me his
8 oath of office, where he solemnly swears that he'll
9 support the Constitution of the United States.

10 THE COURT: Every judge has signed one of
11 those. What's your point?

12 MR. CALICE: That judge has been directing
13 mail, federal mail, to a Michigan resident that I do not
14 live at, and no one has ever supported --

15 THE COURT: Well, I doubt that he's personally
16 directing your mail anywhere. Your address in the file
17 would be where your mail from the court is directed. I
18 don't know where any other mail goes. You would have to
19 check with the federal government on where your mail is
20 going and why it's going there. But your mail from here
21 goes to your Maryland address, which is why you got
22 notice of today's hearing. We will proceed with this
23 trial today.

24 MR. CALICE: Okay. Thank you, Your Honor.

25 THE COURT: Thank you.

1 Mr. McLeod, you may proceed since you're the
2 plaintiff.

3 MR. McLEOD: Thank you, Your Honor. If I may,
4 in overview fashion, Your Honor, we have filed trial
5 briefs with the court, I would like to summarize briefly
6 the factual background in this matter, and the issues, as
7 I see them, before the court this morning.

8 The parties were married August 6, 2005.

9 THE COURT: Do you have another copy of your
10 trial brief, because --

11 MR. McLEOD: You don't have it in the file?

12 THE COURT: It's somewhere in here. I didn't
13 read all that last night. I mean --

14 MR. CALICE: I never received it. Mr. McLeod,
15 why was that not provided to me? I went to your
16 office --

17 MR. McLEOD: It was mailed to your last known
18 addresses, Mr. Calice. I don't know what you do with
19 your mail. Check Maryland.

20 THE COURT: Are you saying you don't have a
21 copy of the trial brief?

22 MR. CALICE: It was not provided and I -- I --

23 THE COURT: It was mailed, he said. We can get
24 you a copy.

25 MS. DOUGHERTY: I'll go make it.

1 THE COURT: Would you do that, please?

2 MS. DOUGHERTY: Yep.

3 THE COURT: Thank you.

4 MS. DOUGHERTY: You're welcome.

5 MR. McLEOD: Your Honor, while that --

6 THE COURT: You may proceed.

7 MR. McLEOD: Okay. While that's being done,

8 before I start, may I make a motion to sequester any

9 nonparty witnesses, Your Honor?

10 THE COURT: Anybody that either side intends to

11 call as a witness we'll ask to remain in the hallway

12 until it's their turn to testify. So if you have any

13 witnesses here, or if the other side has any witnesses

14 here, they are going to be required to stay in the

15 hallway until it's their turn to testify.

16 MR. McLEOD: And just a clarification for Mr.

17 Calice's benefit. What I'm asking, Mr. Calice, is that

18 anybody you might intend to call as a witness in this

19 matter step outside of the courtroom during the

20 presentation of testimony.

21 MR. CALICE: Yes. I would like to --

22 MR. McLEOD: If you have anybody here you

23 intend to call.

24 MR. CALICE: I would like to call anyone that

25 resides at the address of 62 East Corral Drive, as was

1 filed in this courtroom, as being the residence of Rocco,
2 Mia and Melissa Calice. I would like to ask that those
3 two parties, and I believe that is Rick and Mary Goedert,
4 to please step in the hall so they can be called as
5 witnesses.

6 THE COURT: So you intend to call them as
7 witnesses?

8 MR. CALICE: Yes.

9 THE COURT: Okay.

10 MR. McLEOD: Anybody else, Mr. Calice?

11 MR. CALICE: Rick Calice.

12 MR. McLEOD: Your dad?

13 MR. CALICE: Yes.

14 MR. McLEOD: Would you step out, sir?

15 THE COURT: And any people you intend to call.

16 MR. McLEOD: You three.

17 MS. PRINE: Judge, could I ask something, so
18 it's clear? I'm sitting here. I haven't been told that
19 I -- that anyone's going to call me. I just want to make
20 clear --

21 THE COURT: No, you will be allowed to remain
22 as Friend of the Court.

23 MS. PRINE: Thank you.

24 MR. McLEOD: May I proceed?

25 THE COURT: You may.

1 MR. McLEOD: As I was starting, Your Honor, the
2 parties were married August 6, 2005. During that period
3 of time, there was some real estate down in Royal Oak
4 that the parties were occupying. Two children were born
5 during this marriage. During the occupancy of the house
6 in Royal Oak, Mr. Calice was working in Maryland and,
7 effectively, traveling to and from Maryland. He was
8 there during the week to work, returned to Royal Oak for
9 his family on the weekends. That pattern continued for a
10 period of time.

11 In 2011, there was a circumstance where Melissa
12 and the two kids moved to Maryland, toward the end of
13 determining whether the marriage could save itself,
14 basically, because they were in trouble. In summary, it
15 didn't work out, she moved back to Michigan with the two
16 kids, the divorce proceeding was initiated in this court,
17 there was extensive litigation afterwards about UCCJEA
18 issues and what the home state for the two kids were.
19 Mr. Calice was represented by Mr. Demetriou in these
20 proceedings for a considerable period of time and during
21 that period of time. And as part of those proceedings,
22 the assigned judge in Maryland deferred to Judge Fred
23 Borchard the handling of this case and the custody issues
24 surrounding the children.

25 There was subsequently an order entered by the

1 Maryland judge to that effect, and also a stipulated
2 order entered by Judge Fred Borchard granting
3 jurisdiction to the court. I know the court alluded to
4 having jurisdiction earlier on, but I bring this back to
5 the court's attention because of Mr. Calice's repetitive
6 refrain, asserted again this morning, that he doesn't
7 acknowledge the jurisdiction of this court, nor does he
8 intend to abide by any orders of this court. So we are
9 here --

10 THE COURT: I don't think I heard him say that,
11 but go ahead.

12 MR. McLEOD: Well, we'll present some e-mails
13 that will establish that for Your Honor. So we're here
14 appropriately under the jurisdiction of the court.

15 We have had a long, arduous, unfortunate
16 proceeding, most unfortunate because we have these two
17 kids involved, and we have gone through interview after
18 interview. Since the beginning of the proceeding,
19 Melissa has had primary physical custody of the kids.
20 That has never changed. That's the existing court order
21 today regarding primary physical custody. The kids and
22 Melissa reside in Saginaw, the kids attend Handley, they
23 are doing wonderful at Handley, there are no issues in
24 that regard.

25 During the course of the proceedings, we had

1 interviews with Jill Hogenson to work out glitches on
2 parenting time arrangements, transportation to and from
3 Maryland, the typical headaches associated with those
4 types of proceedings.

5 During the course of this divorce, the last two
6 or three years, Mr. Calice has repeatedly used the term
7 "Saginaw-sanctioned kidnappings." And he uses that term
8 in the sense that everything that I have personally done,
9 everything that this court has personally done, has been
10 nothing but a sanction of what he perceives as a
11 kidnapping of these children from Maryland.

12 This attitude, Your Honor, has reflected in
13 repeated motions with Judge Fred Borchard. I've had
14 Mr. Calice held in contempt at least four times, perhaps
15 five times. Last December of 2014, we had a hearing in
16 front of Judge Fred Borchard, and at that time Judge
17 Borchard granted sole legal custody to mom, in view of
18 some action that was occurring at the time. He suspended
19 Mr. Calice's parenting time until further order of the
20 court, and referred the issue of joint legal to Jill
21 Hogenson for her review, granting mom sole legal pending
22 the review by Hogenson. Jill Hogenson has recently
23 issued her R and R, and I don't know if --

24 THE COURT: I've read it.

25 MR. McLEOD: I don't know if the court has a

1 copy of it, but I will comment upon that during the
2 trial, but the substance of that was a reversion to the
3 joint legal custodial arrangement with what I would
4 describe as some handcuffs on the parties regarding
5 cooperation, as how they're going to interact toward
6 these kids. We've filed an objection to that and will
7 argue that it should remain sole legal for mom.

8 In a broad picture, that's where we're at with
9 the custody issue. The thing formally before the court
10 this morning is the joint legal versus sole legal issue.
11 Not before the court is the primary custodial
12 arrangement. Not before the court is referral and
13 parenting time, or parenting time issues. Officially,
14 the only thing before the court is the legal custodial
15 status, and we will --

16 THE COURT: And the divorce.

17 MR. McLEOD: Pardon me?

18 THE COURT: And the divorce.

19 MR. McLEOD: Well, I'm referring to the custody
20 issues, Judge.

21 THE COURT: I know.

22 MR. McLEOD: Yes, definitely the divorce. So
23 I'll present some testimony about why we believe that to
24 be best for the kids.

25 On the assets/liabilities side of it, this is

1 effectively a no-asset case. The parties had this house
2 down in Royal Oak. During the course of the proceedings,
3 it was rented out to a tenant and there were rental
4 monies coming in. Initially, Mr. Calice was receiving
5 those monies. Some problems occurred with him making
6 payments on the mortgage, the underlying mortgage, from
7 tenant rentals, and in October 2013, Judge Fred Borchard
8 entered his order, which is currently in effect,
9 directing that any net tenant rentals from the Royal Oak
10 house be deposited in my IOLTA account. They have been
11 since that date. Initially, those monies were used to
12 pay the First State Bank mortgage, annual insurance
13 premiums, those types of expenses.

14 During the latter part of 2014, it came to my
15 attention at a Clack interview, Denise Clack interview,
16 that there was also a second mortgage out there that Mr.
17 Calice had been paying personally. I didn't know that,
18 Mr. Demetriou didn't know that, and when we were advised
19 of that, Mr. Demetriou basically instructed Mr. Calice
20 stop paying that second mortgage, it doesn't make sense.
21 Well, with that circumstance happening, the net rental
22 monies I was receiving were insufficient in amount to pay
23 the first and second mortgage. We had an unsuccessful
24 mediation with Bock, and the bottom line there was the
25 house in Royal Oak was of no value to anybody so just let

1 it go into foreclosure.

2 It went into foreclosure I believe in February
3 of this year, the redemption period ends about a week
4 from now, sometime the tail end of August. I continue to
5 receive the monthly rentals during the redemption period.
6 I have received rentals through and including June of
7 2015. I don't have July and August yet, I anticipate
8 getting those. After that date, they should go to the
9 bank, we're no longer entitled to receive them. So I've
10 got that is the big picture on the house in Royal Oak.

11 We've got cars of minimal value. They each
12 have their car.

13 There's an issue with personal property I'll
14 address later that stemmed from some orders entered by
15 Judge Fred Borchard pursuant to findings of Special
16 Master Bill Brisbois, and contempt proceedings associated
17 with that.

18 We've got a boatload of debt. My client has
19 student loans in excess of a hundred thousand dollars. I
20 believe Mr. Calice is going to be making claim for some
21 credit card loans, and perhaps an IRS debt. Those issues
22 will be before the court.

23 There is a 401(k) account that Mr. Calice
24 maintained at the time of filing. Evidence will show
25 that at one point he withdrew \$8,732 per a permission

1 from Fred Borchard to pay past-due arrearages. Evidence
2 will further show that he made an additional withdrawal
3 of that account in violation of a temporary restraining
4 order. We had, at the beginning of this proceeding, a
5 Morgan Stanley investment account, 14,000 and change,
6 which Mr. Calice withdrew in violation of the temporary
7 restraining order. We will present all of this in
8 summary fashion. The big picture being these folks don't
9 have anything. We're fighting over liabilities and who's
10 going to pay what, and the more important issue are the
11 kids and what we're going to do with that, and that's
12 what I would ask the court to consider this morning.
13 Thank you.

14 THE COURT: Okay. Mr. Calice, at this time you
15 may make an opening statement. It's not testimony. It's
16 only what you intend to show through testimony and
17 exhibits.

18 MR. CALICE: Thank you for explaining. My
19 name, just -- and the reason why I bring this up, there's
20 been a pattern of unprofessional misspellings on both
21 sheriff documentation, booking documentation, and at the
22 court, and it's important that we address these issues of
23 identity theft. As it appears that at an address of 820
24 North Michigan Avenue, counterfeit Michigan residencies
25 are being generated.

1 In addition, Mr. McLeod was successful in
2 convincing Honorable Judge Fred Borchard to put me -- to
3 put the defendant in jail for nonpayment of spousal
4 support to a woman that he is married to. It is not
5 clear to me how spousal support is due to someone who is
6 married. Be that as it may, I intend to prove that the
7 two -- there are -- the court has assumed jurisdiction
8 because of two Saginaw addresses.

9 I further intend to show, using Saginaw's
10 register of deeds, that the only people that live at
11 those addresses truly are Saginaw residents. No -- these
12 properties are not rental properties, these are
13 residential properties, and I intend to show that at no
14 point in time was anyone with the last name "Calice" a
15 resident of those addresses, was a Saginaw resident,
16 which is the basis of what I intend to show is
17 counterfeit jurisdiction.

18 I further intend to show that Miss Kaltenbach's
19 document where there is a sworn affidavit that the
20 Uniform Child Custody Jurisdiction and Enforcement Act
21 was enforced, I have had numerous conversations, and it
22 turns out that not a single name has either witnessed nor
23 enforced the Uniform Child Custody Jurisdiction and
24 Enforcement Act.

25 I also intend to prove that, per Honorable Fred

1 Borchard's request, a forensic psychiatric review was
2 performed on me and it was determined that -- it's
3 bittersweet, but it was determined that my observations
4 were based on reality. The reason why that's
5 disappointing is because the reality is not very
6 positive. And in a town where elected officials, the
7 sheriff, a sitting judge, and a clerk are sworn to
8 solemnly -- are sworn to support the Constitution of the
9 United States and the Constitution -- the Constitution of
10 the United States and the Constitution of this state, and
11 that they will faithfully discharge the duties of this
12 office. I'm concerned that that has not happened and
13 that that has negatively impacted my children.

14 Furthermore, I intend to prove that exchange of
15 \$50,000 occurred once -- to entice minors and mother
16 across state lines.

17 I think -- and then, also, I guess I intend to
18 bring to the court's attention their own records that
19 they have had availability to access for -- for free, and
20 they neglected, these actors neglected to perform any
21 verification or enforcement of the state's or the federal
22 laws. I think that's --

23 THE COURT: Well --

24 MR. CALICE: I guess that's it.

25 THE COURT: Let me advise you that we're not

1 here to determine jurisdiction today, that's already been
2 determined, and the court is not even going to hear
3 testimony about jurisdiction. The court --

4 MR. CALICE: The court's --

5 THE COURT: Listen to me.

6 MR. CALICE: The court --

7 THE COURT: Listen to me.

8 MR. CALICE: Oh, I'm sorry.

9 THE COURT: The court's going to determine if
10 there's been a breakdown of the marriage relationship to
11 the extent the objects of matrimony have been destroyed
12 and if there's any reasonable likelihood the marriage can
13 be preserved. The court's going to determine what the
14 assets are, what the liabilities are. And the court's
15 going to determine who has legal custody of the children,
16 whether it be plaintiff, defendant, or shared legal
17 custody. Physical custody and parenting time is not an
18 issue because Miss Hogenson's report was not objected to
19 in that regards, so that would remain the same.

20 So we're here to determine legal custody and
21 what the assets are, and if there's been a breakdown.

22 MR. CALICE: Your Honor, there's --

23 THE COURT: All those things you're talking
24 about are what you need to appeal, the jurisdiction
25 ruling, and you can do to the Court of Appeals.

1 MR. CALICE: Your Honor, there's an open court
2 case in Maryland that is currently being obstructed
3 because of bad information that's being produced out of
4 this local court. That is a federal concern --

5 THE COURT: Well, you can take that up with the
6 appellate courts. Okay?

7 MR. CALICE: Okay.

8 THE COURT: And they do a very good job of
9 reversing us when they think we've done something wrong.

10 MR. CALICE: I also want to point out for the
11 record, on day one Mr. Demetriou entered as a special
12 appearance, stating that our presence in the court in no
13 way constitutes this as a -- the home of the children.

14 THE COURT: Okay.

15 MR. CALICE: And --

16 THE COURT: Well, like I said, that issue's
17 been determined and we're going to proceed today as
18 though they are residents of Michigan and as though
19 Michigan does have jurisdiction. So what we're hoping
20 you will do is participate in the divorce trial and in
21 the legal custody part of it so that you can have your
22 rights heard. And we welcome any testimony you want to
23 present in that regard. Okay?

24 MR. CALICE: Your Honor, I do not agree that
25 Saginaw has jurisdiction.

1 THE COURT: I understand that. That's why
2 there are appellate courts. You can appeal to the Court
3 of Appeals; if they get it wrong, you can appeal to the
4 Supreme Court of the state; if they get it wrong, you can
5 go to the federal courts.

6 MR. CALICE: Okay.

7 THE COURT: That's why they're there. In case
8 somebody makes a wrong ruling. Okay?

9 MR. CALICE: Are you suggesting the wrong
10 ruling that --

11 THE COURT: I'm not suggesting anybody's made a
12 incorrect ruling. If I thought it was, I would change
13 it. But the ruling's been made, and we're going to
14 proceed with the divorce trial today.

15 MR. CALICE: Let the record show that my name
16 is spelled Anthony Calice, not the typo that occurred at
17 the sheriff's department. I had to come all the way here
18 from Washington D.C. to correct a sheriff's typo. He
19 wouldn't even spell my name correctly.

20 THE COURT: Okay, well --

21 MR. CALICE: I'm not sure if you have the right
22 person in front of you, Your Honor.

23 THE COURT: Well, I hope we do because we're
24 going to hear from you today if want to be heard from.
25 Are you married to this young lady here?

1 MR. CALICE: Yes, I am.

2 THE COURT: All right, well then we got the

3 right guy.

4 MR. CALICE: Okay.

5 THE COURT: All right, you may proceed, Mr.

6 McLeod.

7 MR. McLEOD: Melissa, if you would be sworn and

8 take the stand, please.

9 THE COURT: Raise your right hand, please. Do

10 you swear to tell the truth?

11 THE WITNESS: Yes.

12 THE COURT: Have a seat right up here, please.

13 MELISSA J. CALICE

14 Being first duly sworn at 9:42 a.m., testified under oath

15 as follows:

16 DIRECT EXAMINATION

17 BY MR. McLEOD:

18 Q Melissa, so I don't forget later, I want to go through

19 some name, rank and serial number questions with you.

20 Please state your full name.

21 A My legal name is Melissa Jayne Calice.

22 Q And prior to the filing of this divorce proceeding on

23 your behalf, had you resided in the State of Michigan for

24 at least 180 days and the County of Saginaw for at least

25 10 days?

1 A Ten days, yes.

2 Q All right. During the course of the marriage, I'm

3 correct there were two children born?

4 A Yes.

5 Q Can you identify them by name and date of birth, Melissa?

6 A Yes. Rocco Jefferson Calice, born 10/27/06, and Amelia

7 Jayne Calice, born April 25th, 2008.

8 THE COURT: What's their first name?

9 A Rocco and Amelia, but we call her Mia.

10 THE COURT: Okay.

11 A Rocco and Mia.

12 BY MR. McLEOD:

13 Q Those children are currently in your physical possession?

14 A Yes.

15 Q They have been consistently, since the filing of this

16 divorce proceeding?

17 A Yes.

18 Q At the time that we filed the complaint, we alleged and

19 you verified that there had been a breakdown in the

20 marriage, no possibility of reconciliation; is that

21 correct?

22 A None.

23 Q Well, it is correct you said that --

24 A Yes.

25 Q -- when we filed?

1 A Yes.

2 Q Okay. Do you still feel that way today, Melissa?

3 A Yes, I do.

4 Q Is there any possibility, if Judge Borchard were not to
5 grant the divorce, that you would anticipate reconciling
6 with Mr. Calice?

7 A There is not.

8 Q All right. And we will go over the --

9 THE COURT: One other question we need to
10 cover. Are you currently pregnant?

11 A No, I'm not.

12 MR. McLEOD: Thank you.

13 BY MR. McLEOD:

14 Q Melissa, in overview fashion, relay for Judge Borchard
15 your educational background and your current employment
16 circumstances?

17 A I have a bachelor's of education from -- I have a
18 bachelor's from Western. I have a teaching certificate,
19 it's lapsed, I just haven't paid because I'm not teaching
20 right now. I have a women's studies minor, a family
21 studies major, and I taught family consumer science.
22 Right now -- oh, and then I have a master's degree from
23 Wayne State, I have a master's of social work.

24 THE COURT: Okay.

25 BY MR. McLEOD:

1 Q And you are currently employed where?

2 A I'm currently employed at North Saginaw Charter Academy,
3 where I am the school social worker.

4 THE COURT: Okay.

5 BY MR. McLEOD:

6 Q How long have you been there?

7 A Three years.

8 Q And am I correct in understanding you may be promoting
9 your position in the immediate future?

10 A Yes. I have accepted a position at Delta College as the
11 manager of disability services. So we're kind of in
12 limbo right now.

13 THE COURT: Okay.

14 MR. McLEOD: All right.

15 BY MR. McLEOD:

16 Q In my opening statement, Melissa, I alluded to the living
17 arrangements between you, Mr. Calice and the kids down in
18 Royal Oak?

19 A Uh-huh.

20 Q And again I want this to be just in a concise narrative
21 fashion. When did you folks buy that house?

22 A We bought the house, I guess it would be the -- we got
23 married in August of '05, and I believe it was like
24 December of '05 that we bought the house.

25 Q Okay. There came a time when you were going to Wayne

1 State, Mr. Calice was traveling to Maryland to work; is
2 that correct?

3 A For roughly two and a half years.

4 Q Time frame for that?

5 A Sure. See, we left in '11, so it would have been like --
6 Mia was around 1, so '09 that Tony started traveling to
7 work during the week in Maryland, he'd come home on the
8 weekends, and I was doing my master's degree part-time
9 and caring for the children in the home.

10 Q That continued for what period of time?

11 A It was about two years, I want to say two and a half
12 years.

13 Q And during this period of time, how would you describe
14 your marriage with Mr. Calice?

15 A Well, it probably was able to continue as long as it did
16 because he was gone so much, and it was -- there was --
17 you know, I know having two kids is hard on a marriage,
18 but there were other circumstances that were kind of
19 rising to the top as far as the marriage wasn't working.
20 It was not -- it was not a good match.

21 Q Fair to say it was strained?

22 A It was strained.

23 Q Had you two talked about divorce?

24 A Oh, I talked about divorce, yeah.

25 Q The answer is yes?

1 A Yes, I talked about divorce when I was pregnant with my
2 daughter. I mean --

3 Q There came a time when you and the two children relocated
4 to Maryland; is that correct?

5 A Yes. I was trying to save it --

6 Q For what purpose did you relocate to Maryland?

7 A I was married to him, and I was trying to save it and
8 trying to save the family so my kids could grow up with
9 mom and dad together.

10 Q All right. You were in Maryland for how long before you
11 came back to Michigan?

12 A Ten months.

13 Q May I surmise the marriage didn't work out while you were
14 in Maryland?

15 A No, it did not.

16 Q Why did you leave to come back?

17 A Why did I leave to come back? Because I wanted to -- I
18 knew that if I filed in Maryland that I -- I would be --
19 I would be -- the kids and I would be stuck there. I
20 didn't have -- I didn't think I was going to be able to
21 support myself and the kids there. I wanted the support
22 of my family, and I just -- I just knew it was going to
23 be really nasty, and I wanted to come home and be by my
24 parents and be here with the kids.

25 Q How would you describe the ability of Mr. Calice and

1 yourself to communicate while you were residing in
2 Maryland?

3 A As far as communication, like hearing and giving of
4 messages? If he didn't care, everything was fine. But
5 if we had a disagreement about something, that was the
6 way it was and he would be very nasty to make sure that
7 whatever he wanted was going to happen. It was strained
8 communication. I ended up just kind of giving up a lot.
9 And the kids were starting to witness increasingly bad
10 behavior, and arguing, and yelling, and I -- will you ask
11 me the question again?

12 Q Pardon me?

13 A Will you ask me the question again?

14 THE COURT: I think you've answered it.

15 A Okay.

16 MR. McLEOD: I think you've given us enough at
17 this point in time, thank you.

18 BY MR. McLEOD:

19 Q So we've got you back in Saginaw, the divorce has been
20 filed, you're here with the two kids, Mr. Calice is still
21 in Maryland; am I correct?

22 A Uh-huh.

23 Q And you went through with myself and Mr. Burkhart all of
24 the jurisdiction issues with the kids?

25 A Uh-huh.

1 THE COURT: You have to say yes or no.

2 A Yes.

3 THE COURT: Uh-huh and uh-uh sound a lot alike.
4 He has to take it down.

5 THE WITNESS: Okay.

6 MR. McLEOD: All right.

7 BY MR. McLEOD:

8 Q When you got back to Michigan, did you and Mr. Calice
9 find a way to begin communicating in general and about
10 the kids? Did anything constructive happen between the
11 two of you?

12 A When I got back to Michigan, we had -- I got back to
13 Michigan, I went back to Maryland to wrap up some details
14 with my -- with my employment at the time, and he and I
15 had one conversation, and it was about an hour and a half
16 long, and it was a -- I felt like it was a good
17 conversation. And I felt like it was, like, the real
18 Tony again, we had this one conversation. And then it
19 seemed like he got mad after the conversation, it was
20 settling in what was happening, and since then we have
21 never been able to have a conversation.

22 It's -- I might start -- I might request
23 something, or suggest something, and it's all basically
24 like the same 10 points. You know, the kids have been
25 kidnapped; I'm crazy; personal attacks towards me; and

1 this is when I'm -- right from the get-go. I mean August
2 or -- yeah, August 2012, so right from the get-go.

3 I remember sitting with my kids and sending him
4 a text message about school, because I was going to
5 enroll them in school, and Rocco got into Hemmeter and I
6 was really excited and I sent him a message and said, you
7 know, Rocco got into Hemmeter and this is really awesome,
8 and I remember Tony was like -- his response, and I
9 probably have it in that book over there, but his
10 response was, it doesn't really matter where he goes to
11 school because he's coming back to his home in Maryland.
12 And he never got off that home in Maryland. You still
13 hear the same stuff three years later. That's just an
14 example.

15 But all the way from August 2012 to
16 August 2015, even this month Tony's family had a -- or
17 Tony's little brother got married and I was --

18 Q That's fine.

19 A I really wanted my kids to go. And I offered, you know,
20 I offered to -- I said, you know, because we had plans,
21 the kids and I had plans, and I said well, plans, you
22 know, forget the plans. It's more important that they go
23 with the family. And he was just like, answer my
24 questions. They can't -- you know, because you won't --
25 it's a lot of, like, crazy making. Like because of you

1 won't answer my questions, it's not able to happen.

2 And I've been, you know, since I read Jill
3 Hogenson's order I'm like, okay, well that's how it's
4 going to be, and these kids want to see their dad, and
5 I've been trying to open up a dialogue with him. The
6 kids wants to see you. And I am saying stuff like,
7 "white flag," "let's bury the hatchet," and, you know,
8 the response to "let's bury the hatchet" is, "I'll bury
9 the hatchet in Maryland, with the kids, where we live."
10 So it's like I'll try, I mean, but it's just like
11 talking -- not even talking to a brick wall. Just being
12 attacked. He won't work with me about the kids. It
13 turns into a personal attack and his agenda. He won't
14 have a dialogue with me.

15 THE COURT: Okay.

16 BY MR. McLEOD:

17 Q And that extended over into issues regarding medical
18 treatment for Rocco?

19 A Yeah. Yeah.

20 Q You were being hindered in treating Rocco, I'll put it
21 that way?

22 A Yeah, Rocco, I mean I knew early on that Rocco, you know,
23 most likely had ADHD diagnosis, and I -- you know, like
24 two I was like, oh, Lord, he is climbing up the scone
25 again. You know, he had a lot of energy, he's a really

1 smart little guy, and I -- you know, he was all right in
2 preschool, but the more -- but his teacher and I had a
3 discussion like, yeah, he's probably got -- you know.

4 THE COURT: Would you make that little clearer
5 for the record?

6 A Okay. The teacher and I -- because I was asking her,
7 like, do you see, you know, that inattention? Do you see
8 the hyperactivity? And she was saying yes, that she sees
9 it, and we discussed the possibility of him having an
10 ADHD diagnosis.

11 So when he got into kindergarten and he was at
12 Hemmeter it's a, you know, it's a more structured
13 environment. You're in school now. You need to sit and
14 attend. And he was having a real problem with it. He
15 was having, you know, everyone loves him, he's an easy
16 kid to love, but the teacher was like she didn't know
17 what to do with him. Because he was -- he wasn't paying
18 attention, he wasn't getting with the program, he was
19 just having a hard time and struggling.

20 And I sent Tony a text message in January of
21 '13, and I was trying to open up a dialogue with Tony
22 about Rocco and the ADHD, and by this time I'm texting
23 with him because talking on the phone is not an option,
24 it's, you know, not an option because he won't talk to
25 me. He'll -- he'll say nasty things to me, but he won't

1 talk with me and have a dialogue. So I sent him a text
2 message and I said, "I think that Rocco has an ADHD
3 diagnosis, I'd like to go forward with having an
4 evaluation." I get this like -- I know I have it in that
5 binder -- I get this long diatribe of the only thing
6 that's wrong with Rocco is because he's related to you,
7 you're crazy. The only thing that's wrong with Rocco is
8 he's been kidnapped from his healthy home in Maryland and
9 kidnapped and taken to this, you know, god-awful place --
10 I'm paraphrasing with that one -- but not listening to me
11 as I'm talking about actual behaviors that our son is
12 exhibiting in school that are impeding his education.

13 So then when did I have -- I took him to Sandy
14 Pfander.

15 THE COURT: Who is?

16 A Who is a child psychologist in town here. So took him to
17 Sandy -- we rode out kindergarten. It was just a -- it
18 wasn't a mess, but he was not performing to his ability,
19 and he was starting to feel bad about school and his self
20 and -- I'm talking about Rocco. So they went with their
21 dad for like 10 weeks that summer, it was awful, and they
22 came back and we went to Sandy Pfander. Sandy Pfander
23 gave him a really thorough evaluation and she was like,
24 yeah, this kid's got ADHD. And she gave him a report,
25 she gave me a report.

1 He went in and he -- he went in and --

2 THE COURT: He being?

3 A Tony went in and talked to her. She called me for a
4 meeting after she met with Tony and told me that she
5 could no longer work with us, and she was very sad to
6 say, but Tony basically said, "I see no value." And she,
7 you know, she's a professional. And if one parent's not
8 going to -- is not going to get with the program, then
9 she can't continue the work with the children.

10 So but she -- she was like, "He came in here
11 and just talked about himself." And I remember she
12 showed me a copy of what he gave her, and it was my -- it
13 was an insurance receipt that he found after I left
14 Maryland, that had my DSM diagnosis on it from when I was
15 leaving Maryland, and he gave her a copy of it. And she
16 was like, does he realize that this is -- basically like
17 this is not okay that he's giving this out to people.
18 This is highly confidential and he's giving this out. I
19 don't know why I'm talking about that. It's just an
20 example of how he's just so intent on creating
21 unpleasantness, and attacking me, that he's not looking
22 at what's the main picture. The main picture is Rocco
23 needs some help so he can perform in school and, you
24 know, not end up hating school and feeling like there's
25 something wrong with him and that just snowballing down

1 the road.

2 So I -- I tried to talk it him about the
3 medication. He was like, "Don't you dare drug my
4 children," and talking about narcotics, and Class C
5 drugs, and just -- oh, God, it was awful.

6 I don't -- I'm just talking now. I'm sorry.

7 BY MR. McLEOD:

8 Q No, I indicated earlier in a concise narrative fashion,
9 but this is important for Judge Borchard to hear because
10 it relates to the legal custodial aspect, and the ability
11 of you two to communicate regarding --

12 A Well, these are some really good examples of, like, big
13 tickets items that I have tried to communicate with him
14 and he will not communicate with me. I keep saying like
15 he won't work with me. It doesn't have to be my program,
16 but, like, let's work together. Let's look at this like
17 a business, okay? We don't have to like each other, but
18 these kids need us to work together and be able to, like,
19 put on a good game face, and that has never been able --
20 that has never happened. That has never happened. I've
21 tried. I've tried for three years.

22 Q And his actions spilled over into approaching doctors'
23 offices with video recordings --

24 A Yes.

25 Q -- and intimidating them and having them back off of

1 treatment for the kids?

2 A Teachers, principals, psychologist, social workers
3 working with the children, doctors, doctors' staff,
4 doctors' administrative workers, my attorney, the women
5 who work with my attorney. Yeah, he's --

6 Q Which was led up to the December 14, 2014, order from
7 Judge Fred Borchard directing him not do that?

8 A Not to do that.

9 Q To stay away from these people?

10 A Stop --

11 Q Don't interfere?

12 A Stop yelling at people and scaring them, yes.

13 Q And you're saying this morning that none of that has
14 changed?

15 A No.

16 Q You two are still butting heads and you're not
17 communicating?

18 A I don't even consider it butting heads because I'm, like,
19 sitting here with my head. I don't want to fight with
20 him. I just want him to stop. I want him to focus on
21 the kids.

22 Q All right, let me ask you in a different fashion. I've
23 explained to you very generally that the idea behind
24 joint legal custody is premised that the parents are
25 going to be able to communicate with each other about the

1 well-being of the children, major events, medical,
2 education, that type of stuff. In your mind, is there
3 any ability of you two to currently communicate about
4 those types of issues, jointly communicate about issues
5 regarding the children, towards a constructive end?
6 A Absolutely not. And what will happen if we have joint
7 legal is that I will try to do something with the
8 children that I have to -- you know, we have to
9 collaborate on, I will have a suggestion of what should
10 happen, and he will impede it from happening. And he
11 will then call the staff at whatever, you know, whether
12 it's a -- he hasn't yelled at the dentist, I have to say
13 that, but everybody else, like, he'll call and he'll
14 basically say, like, these are kidnapped children, and
15 talk about me, and talk about -- talk about the children
16 being kidnapped. And then -- and then, like, flex
17 whatever muscle he has. "I want to see their charts," I
18 want to see this, I want to see that, I want to -- but
19 not looking at the big picture. The big picture is,
20 like, somebody needs to go to the doctor.

21 God forbid somebody has to have a procedure.
22 Or I think about what happens if somebody is sick? Like
23 sick, and we're looking at, you know, first stage -- like
24 looking at symptoms and we need to get on, you know,
25 let's be proactive and there's something going on. If he

1 and I have to agree on it? Anything that I say he will
2 fight. It's going to get in the way of them getting --
3 of them getting serviced.

4 While all this stuff is going on around them.
5 I mean I hide it from them, I don't let them know, but
6 they're getting older. I mean my son's going to be nine
7 in October, and they're like -- they are not babies. We
8 can't -- I would love to work with him. I have tried. I
9 would love to work with him.

10 Q But currently --

11 A God, no.

12 Q -- you're not able --

13 A No.

14 Q -- to do so?

15 A No.

16 Q Currently, is it fair to say you don't believe joint
17 legal custody would be appropriate in this
18 circumstance --

19 A I think it would --

20 Q -- or good for the kids?

21 A I think it would be terrible for the children. I think
22 it would be --

23 Q All right.

24 A -- a nightmare.

25 Q Now having that been said, is there any desire on your

1 part to preclude the kids from interacting with their
2 dad?

3 A To stop them from interacting with their dad?

4 Q Yeah?

5 A No.

6 Q Stop them --

7 A No, I want them to have a relationship with their dad.
8 They love their dad. They miss their dad.

9 Q All right.

10 A But I can't let them -- I can't -- I have to protect
11 them. And what he does is he ends up saying horrible
12 things to them, and I have to protect my children.
13 Birthday.

14 Q What did he say to them?

15 A Okay, so the first year that they went back -- what
16 was -- so 2013 -- I'm sorry, 2012, the first time the
17 children were with their dad, they celebrated Rocco's
18 birthday, which was in the vicinity. October. Since
19 then, they've not celebrated any birthdays because Tony
20 contends that all of their birthdays were stolen when I
21 kidnapped them.

22 And my daughter -- excuse me -- who was seven
23 in April, really does not understand why dad doesn't
24 celebrate her birthday. "Why doesn't dad celebrate my
25 birthday?" She doesn't understand that.

1 And I'm like, "I don't know, honey. You have
2 to ask daddy."

3 "I don't understand."

4 "You have to ask daddy."

5 So on Mia's birthday this year, she had a
6 party, and then afterwards there was like the, you know,
7 just close family and friends still there, and Mia was in
8 her bedroom playing and she wanted to talk to dad. So we
9 called dad, and I overheard a conversation with Mia, and
10 she -- a corrective little girl advocating for herself --
11 but she said, "Dad," right away, "Dad," when it was on
12 speakerphone, "Dad, why don't we celebrate my birthday
13 anymore?" And Tony said, in so many words, "Well, Mia,
14 we will celebrate your birthday again when you come back
15 to Maryland. Your birthdays were taken from us when you
16 were taken to Saginaw, and we'll celebrate your birthday
17 again when you come back home to Maryland."

18 And I -- I'm like, okay, this is not going to
19 happen on my daughter's birthday, that he's saying this
20 to her and messing with her head. And so I walked in and
21 I said, okay, well, you know, say goodbye to Dad. We're
22 gonna -- we're gonna, you know, go eat the rest of the
23 cake, or like trying to move to the next activity and try
24 to get her -- try to protect my kid without being --
25 without harming her more by letting her see me be upset,

1 or saying anything to him -- that he would love because
2 then he could get into it with me -- I said, "okay, we're
3 going to go," and he's said, "Mia, I'll see you when
4 you're free. I'll see you when you're free," as I'm,
5 like, taking the phone away, trying to hang it up because
6 then -- so this is -- this is another example of trying
7 to work, and move forward, and just live a life and let
8 these kids live a healthy life where they can -- they
9 don't have to feel like they have to choose between their
10 parents and have that horrible feeling in their stomach
11 that they can't identify but they just feel it. And he
12 is just zinging just, like, mental un-health at them.

13 Q So you don't want to interfere with the relationship
14 between dad and the kids?

15 A No, I do not want to interfere with the relationship with
16 their dad.

17 Q I asked you --

18 A I want them to have a healthy --

19 Q I asked you --

20 THE COURT: One person talk at a time.

21 MR. McLEOD: Slow down, slow down.

22 THE WITNESS: Okay.

23 BY MR. McLEOD:

24 Q I asked you the other day how can we make that happen?
25 How can we get the kids interacting with their dad? And

1 you were at loss to --

2 A We were both at a loss. I don't -- I don't know. I
3 don't want them to be kept from the relationship with
4 their father. It's so important. But at the same time
5 I -- I am terrified thinking about them with him, and
6 his -- he's got really questionable judgment, and he says
7 disparaging things about me and my family and Saginaw,
8 and their circumstances for being in Saginaw, and I worry
9 about their, like, their spiritual and psychological
10 health with him. And even their physical health because
11 he's got some -- he's got some really skewed judgment.

12 Q All right. As I mentioned --

13 A Can I have some water? My mom's got bottled water in the
14 hallway.

15 MR. McLEOD: Can we stop for just a minute,
16 Judge?

17 THE COURT: Uh-huh.

18 While we're waiting for the water, Mr. Calice,
19 you had indicated they'd used your improper name. Is
20 your name Richard Anthony Calice, Junior?

21 MR. CALICE: Yes.

22 THE COURT: Okay.

23 MR. CALICE: There are two Richard Anthony
24 Calices.

25 THE COURT: Uh-huh.

1 MR. CALICE: And there may have been some
2 confusion.

3 THE COURT: No, I just wanted to make sure that
4 we got a record of what your proper spelling and name is.

5 MR. CALICE: There's a difference in how
6 Anthony is spelled, I have seen on the records.

7 THE COURT: A-n-t-h-o-n-y.

8 MR. CALICE: Yes, I use the traditional
9 spelling.

10 THE COURT: Okay.

11 THE WITNESS: Thank you. Sorry about that.

12 BY MR. McLEOD:

13 Q You described your feelings about that joint legal
14 custodial arrangement. We know Judge Borchard has to
15 make a determination in that regard.

16 A Yep.

17 Q With that determination made, you nevertheless see issues
18 on the horizon such as parenting time issues,
19 transportation issues?

20 A If it's going to be anything like it has been in the last
21 three years, absolutely. Even something as simple as how
22 the kids get back and forth from seeing their dad.

23 THE COURT: First of all, there is no issue
24 that's been raised as to parenting time.

25 MR. McLEOD: I'm just having her indicate --

1 THE COURT: So it's going to be what it was,
2 unless somebody petitions the court otherwise.

3 MR. McLEOD: I'm not asking the court to
4 revisit the parenting time.

5 THE COURT: Okay.

6 MR. McLEOD: I'm just asking her to comment
7 on -- all right.

8 BY MR. McLEOD:

9 Q Before I move into just a summary of the asset and
10 liability circumstance, Melissa, is there anything else
11 you would like to share with Judge Borchard regarding the
12 custodial arrangement that he has to make a determination
13 on?

14 A I anticipate there being -- what -- just looking at the
15 behavior over the last three years, and knowing my
16 husband, he is so mad, and anything that he can do to
17 cause discomfort in my life he will do. Anything that
18 goes into an order I would hope could be highly
19 measurable, very black and white, so we would know
20 what -- like are we in compliance or are we not
21 compliance? Because any little inch will just be pushed
22 and pushed and pushed and pushed and pushed. I don't see
23 how -- I think that if we have joint legal, what's going
24 to happen is it's going to be a nightmare until we end up
25 back here and I have to borrow more money from my

1 parents. It's just -- it can't work. I mean it can't
2 work. I would love it if it could work. It would be
3 wonderful if it could work, if we could work together as
4 a team. I've asked so many times. It's not happening.
5 It's not happened. And even since the Hogenson order,
6 where there were the handcuffs that Tim was talking
7 about, he's still saying I don't -- you know, I don't
8 acknowledge any of this. This is a -- I can't remember
9 any of the words right now, but the -- you know, just
10 like the what he calls the orders -- just, basically,
11 that it's all junk.

12 I see us being -- having joint legal together
13 as a nightmare.

14 THE COURT: All right.

15 BY MR. McLEOD:

16 Q Okay, thank you. Now I'd like to address in a summary
17 fashion the assets and liabilities I over-viewed for the
18 Judge at the beginning.

19 A Sure.

20 Q You heard my discussion on the house in Royal Oak;
21 correct?

22 A Yeah.

23 Q And you heard my discussion regarding the receipt and
24 deposit of tenant rentals into my IOLTA account?

25 A Yes.

1 Q And the order entered to that effect, and the eventual
2 foreclosure on that property, and redemption period, you
3 heard all of that --

4 A Yes.

5 Q -- as I related it to the court, and if I were on repeat
6 those questions to you, would your answers be the same as
7 I represented to the court?

8 A Absolutely.

9 Q That the house belongs to the foreclosure?

10 A Yes.

11 Q And the only trailing value is the balance in the IOLTA
12 account of net tenant rentals?

13 A Absolutely.

14 Q And you have no intent, am I correct, to make efforts to
15 redeem that parcel --

16 A No.

17 Q -- before the period runs --

18 A No.

19 Q -- later in this month?

20 A No.

21 Q All right.

22 Your motor vehicle is what? Describe it for
23 Judge Borchard?

24 A It's a 2006 Cadillac SRX, it's got roughly 119,000 miles
25 on it.

1 Q And there's no debt, am I correct?

2 A No.

3 Q And do you have any personal knowledge regarding Mr.

4 Calice's motor vehicle?

5 A I think he has a Subaru Forester. Shortly after the

6 children and I came to Saginaw, his Subaru Forester that

7 he bought when we were still together was burned and

8 there was an insurance replacement check that I believe

9 paid off the Subaru Forester, so I don't believe he has

10 any debt on his car either.

11 MR. CALICE: Your Honor, can I clarify?

12 THE COURT: You're going to get a chance to

13 testify.

14 MR. CALICE: Okay.

15 THE COURT: And you'll get a chance to ask her

16 questions too.

17 MR. CALICE: Okay. It was a clarification to

18 help.

19 THE COURT: Just make a note.

20 MR. CALICE: Okay.

21 THE COURT: And when it's your turn to testify,

22 we'll --

23 BY MR. McLEOD:

24 Q During this extended proceeding, to remind you and

25 perhaps advise the court, Bill Brisbois was appointed

1 special master in this matter; am I correct?

2 A Yeah.

3 Q And various meetings were held with Mr. Brisbois, and Mr.

4 Brisbois entered various orders for Judge Fred Borchard's

5 consideration, and one item handled by Mr. Brisbois was

6 the disposition of certain personal property that

7 remained in Maryland and you were seeking return of; am I

8 correct?

9 A Yes.

10 Q And am I correct, in summary fashion, that Mr. Brisbois's

11 determination regarding that personal property ended up

12 in the form an order that Judge Fred Borchard signed,

13 directing those items be returned to you?

14 A Yes.

15 Q All right. And am I correct that there was some

16 difficulty in getting those items back to you from

17 Maryland, and as a result of that you scheduled a trip to

18 Maryland with your mother to retrieve the stuff?

19 A Uh-huh. The Brisbois order came after the trip to

20 Maryland. But yes, from -- Judge Borchard's had -- we

21 had an order for us to go and retrieve some stuff in

22 Maryland in December.

23 Q And were you able to retrieve the stuff in Maryland?

24 A No, I was not.

25 Q And what hindered you from retrieving that stuff?

1 A My mom and I drove to Maryland two days after Christmas
2 2012 and rented a U-Haul and went to the -- the apartment
3 that Tony and I resided in, and it was locked and he
4 wasn't there. He sent me a message to go to our storage
5 unit. I said I wanted to get my stuff out of the
6 apartment, but I went to the storage unit. My
7 father-in-law met me there and led us to a storage locker
8 that did not contain the stuff that I was told I could
9 get, including the children's beds.

10 Q All right.

11 A At that point I went back to the house, I was not able to
12 get into the house, mom and I went back home with
13 nothing.

14 Q So you were hindered in your ability to retrieve because
15 of the actions of your --

16 A This is --

17 Q -- father-in-law, or Mr. Calice?

18 A Mr. -- well, both of them.

19 Q All right.

20 A But this is a -- Judge Borchard, this is a really good
21 example of how Tony will, if he gets a little bit, he'll
22 push it, push it, push it. And, in essence, I drove to
23 Maryland with my mother and this order to get my stuff,
24 and he didn't let me have it. And he knew what was -- he
25 knew what was happening, because there were -- there was

1 a text message that went back and forth before I left to
2 go to Maryland on the 27th, where I said if you're not
3 going to work with me, I'm not going to come. And he
4 basically enticed me to come. He wanted that to happen,
5 and it did. I -- he is responsible, but so is his -- his
6 father was there too.

7 Q All right, so you have not received return of any of
8 these items. It's been a number of years now; correct?

9 A No, I got butch of it back, but then he dropped a U-Haul
10 off --

11 Q I'm referring specifically to the Brisbois-ordered items?

12 A I got some of them but not all of them.

13 Q All right. You have in front of you a list of personal
14 property that's been marked Plaintiff's Exhibit No. 1; am
15 correct?

16 A Uh-huh.

17 Q What does that represent?

18 A This represents what was not given back to me that was on
19 the order.

20 Q That was not given back to you?

21 A Was not given back to me.

22 Q All right. And did you make some effort to determine
23 what the value of that unreturned personal property is?

24 A I did.

25 Q What effort did you engage in? What did you do?

1 A I got on the -- got online and saw the value of what was
2 not returned.

3 Q And having gone through that exercise, what do you
4 believe the value of that stuff to be?

5 A Around \$8,000.

6 Q Around \$8,023?

7 A \$8,023.

8 Q Okay.

9 A I want to add, too, that on here is access to all the
10 photographs of my children up until the time that we were
11 together. I don't have access to my children's pictures
12 from when they're babies.

13 Q And that document you're looking at, the exhibit
14 represents a one-page summary of the items --

15 A Uh-huh.

16 Q -- with attached downloads from the internet, reflecting
17 values for each item; correct?

18 A Yep.

19 Q All right.

20 THE COURT: Are these values what that stuff
21 would cost new or used?

22 A New.

23 THE COURT: Okay.

24 MR. McLEOD: All right.

25 BY MR. McLEOD:

1 Q You've got some student debt?
2 A Yes, I do.
3 Q You incurred when you were living in Royal Oak, attending
4 Wayne State?
5 A When I was going to Wayne State.
6 Q What period of time?
7 A I'm sorry.
8 Q What period of time?
9 A Oh, gosh, the first class I took I was pregnant with
10 Rocco, so it would have been fall of -- no, it would have
11 been spring of '06. Spring of '06.
12 Q And you're making payments on that student debt?
13 A Off and on. There have been times when I've asked for
14 forbearance because it's expensive.
15 Q Are you back to the pay status now --
16 A I am.
17 Q -- or still in forbearance?
18 A I just talked to them this week -- well, I'm forbearance
19 until, I think, the 7th of September.
20 Q You represented to me the other day that the current loan
21 balance for your student account is \$125,000 --
22 A Yes.
23 Q -- is that correct?

24 An issue arose, Melissa, during the course of
25 this proceeding regarding what Mr. Calice contends is an

1 IRS liability issue. I will represent that he has
2 indicated that traces back to a 2012 tax return that he
3 filed separately. You were not a party to that return,
4 you filed your own separate --
5 A I did.
6 Q -- 2012 return. Do you have an understanding of what
7 that tax liability for Mr. Calice represents?
8 A It was because he didn't pay his -- his quarterly taxes
9 for his business.
10 Q All right. Your understanding during this period of time
11 he was in an employment position with somebody, getting a
12 W-2 each year; am I correct?
13 A Uh-huh.
14 Q He was also engaged in consulting activity --
15 A Uh-huh.
16 Q -- as an independent contractor --
17 A Uh-huh.
18 Q -- if you will?
19 THE COURT: Yes?
20 A Yes, yes.
21 BY MR. McLEOD:
22 Q And it's your understanding in that capacity, he was
23 required to file quarterly withholding payments --
24 A Quarterly withholding payments.
25 Q -- for the self-employment income?

1 A Yes.

2 Q And it's your understanding he failed to do so?

3 A He didn't do it.

4 Q All right, he did not do it.

5 Were you involved at all in the preparation of

6 the 2012 return that Mr. Calice is going to mention, I

7 believe?

8 A Absolutely not.

9 Q Were you involved --

10 A No.

11 Q -- in any responsibility to withhold tax payments for

12 that income?

13 A Absolutely not. I took care of the kids and the house,

14 and he did the money.

15 Q Were you in control of that income?

16 A Absolutely -- oh, not at all. No.

17 MR. CALICE: Your Honor, is she under oath?

18 THE COURT: Uh-huh.

19 MR. CALICE: Sorry.

20 THE COURT: Yes.

21 MR. McLEOD: That's all I have for you,

22 Melissa. Thank you.

23 THE COURT: All right, sir, this is your time

24 to ask her questions. And a lot of times people, when I

25 say that, they'll start testifying themselves. Try to

1 keep it to questions, and we'll help you do that, and you
2 can ask her any questions you'd like about the issues
3 that we're here to face today.

4 MR. CALICE: Thank you, Your Honor. I will --
5 I appreciate that. I also want to see, if it doesn't
6 waste anyone's time, I would like to ask for just to kind
7 of break the tension in the room, I'd like just to ask a
8 couple rapport building questions, so that Mrs. Calice
9 would feel more comfortable, and then get into more
10 sensitive items.

11 THE WITNESS: I don't think that's necessary.

12 THE COURT: Go ahead and proceed.

13 MR. CALICE: Okay.

14 THE COURT: Her attorney will object if he
15 feels there's something to be objected to.

16 MR. CALICE: Okay.

17 CROSS-EXAMINATION

18 BY MR. CALICE:

19 Q Mrs. Calice, when did we start -- when did you start your
20 courtship with your husband?

21 A You and I started dating in 2004.

22 Q Okay. Did you feel that during that time that you --
23 that you received the attention that you needed as a --
24 as a spouse and as partner, or as a partner?

25 A Yes.

1 Q Is it true that all relationships require -- would it be
2 fair to say that all relationships require time and
3 attention to flourish, otherwise they will wither?
4 A I think healthy relationships --
5 Q Do you agree with that?
6 A Yes, yes.
7 Q Now I'm going to start to ask a couple more personal
8 questions, a little more sensitive. Do you feel that
9 your husband provided time and attention towards the
10 family?
11 A Sometimes, yes.
12 Q What was he doing with his time when he was not providing
13 that attention to you and the family?
14 A He was working.
15 Q Who was he working for?
16 A You were working for FEI, and you were working for
17 yourself.
18 Q When I was working for myself as an independent
19 contractor, was it for a federal agency?
20 A I don't know. I don't know what you did.
21 Q Is it -- is it true that you come from an impressive line
22 of Saginaw entrepreneurs?
23 MR. McLEOD: Your Honor, I'm going to object to
24 any relevancy with this type of question.
25 MR. CALICE: The reason for my question is --

1 THE COURT: I'm going to allow him some leeway
2 because he has no attorney.

3 MR. McLEOD: What was the phrase? A line of
4 what?

5 BY MR. CALICE:

6 Q Successful Saginaw entrepreneurs?

7 MR. McLEOD: Oh, entrepreneurs, okay.

8 BY MR. CALICE:

9 Q The most distinguished being that of Burt Watson.

10 Is it true that in the business that you
11 handled -- or that you began invoicing the clients of
12 Calice Consulting Services?

13 A You did the money. I --

14 Q I just have a simple question, it's yes or no. Is it
15 true that you generated and submitted invoices to clients
16 of Calice Consulting Services?

17 A Towards the end of the marriage. I didn't know where all
18 this money was going, and I wanted to have -- I didn't do
19 the money, and I wanted to have an idea of where the
20 money was going.

21 THE COURT: Did you do invoices?

22 A I started doing the invoicing, yes.

23 THE COURT: Okay.

24 BY MR. CALICE:

25 Q Is it true when you sent the invoice, the customers would

1 in turn send a check addressed to an address that you
2 lived at?

3 A Yes.

4 Q What would you do with that check when you received that
5 check? Were you in control of that check when you
6 received it -- I'm sorry. One question.

7 Is it true that you were in control of the
8 check when you received it?

9 A If I received it. I believe you got the mail too.

10 Q Are you denying that you ever deposited a check into a
11 business checking account for Calice Consulting Services,
12 LLC?

13 A That's not what you asked me.

14 Q Have you ever deposited money received --

15 A Yes.

16 Q -- by Calice Consulting, LLC?

17 A Yes.

18 Q Did that occur in 2012?

19 A Yes.

20 Q Okay. Next one. Miss Calice, you talked about how your
21 children, most notably your oldest son, has -- is in need
22 of help. Has he ever asked you for help?

23 A Rocco has an ADHD diagnosis. Is that what you're talking
24 about?

25 Q Has he ever asked -- did he ask you for help for his ADHD

1 diagnosis, or perhaps some other unfortunate items that
2 occurred on school grounds?

3 A Oh, my Lord. Rocco's a little boy, I'm his mother. He's
4 asked me for help before, like -- yeah.

5 Q Is it true it he asked Fred Borchard for help? A judge?

6 MR. McLEOD: Objection. She doesn't what the
7 kid asked Fred Borchard.

8 THE COURT: Yeah, unless she was in the
9 presence of your son when he asked for it.

10 MR. CALICE: Okay. I will pass that.

11 BY MR. CALICE:

12 Q Is it true that this minor, endangered minor, asked a
13 teacher for help?

14 MR. McLEOD: Objection.

15 A I have no idea what you're talking about.

16 MR. McLEOD: She doesn't know what the kid said
17 to the teacher.

18 THE COURT: Make legal objections, please.
19 Try to clarify your question.

20 MR. CALICE: Okay.

21 BY MR. CALICE:

22 Q Real quickly, during the year that Rocco was designate --
23 you acquired a diagnosis of ADHD, was Rocco unable to
24 attend school on time more than -- was he unsuccessful
25 getting to school on time more than 14 times in that

1 year?

2 A I don't know what you're talking about, Tony.

3 Q Is it true that --

4 THE COURT: Was he late for school 14 times

5 that year?

6 A I don't think he was late for school 14 times. He'd been

7 late for school, but not -- it was not chronic, it was

8 not an issue. It was never called to my attention by --

9 he's just going with whatever he has right now.

10 BY MR. CALICE:

11 Q Is it true --

12 A It was not an issue. I work at a school. I know what

13 it's like when truancy gets involved. It was nothing

14 like that, what he's trying to make it look like right

15 now.

16 Q Is it true that the governor of the State of Michigan

17 defines chronic absenteeism at 14 or more --

18 MR. McLEOD: Objection to the relevancy and --

19 THE COURT: Overruled.

20 A And this was already covered when we were in court in

21 December where Principal Bailey from Hemmeter came in and

22 explained the absentee policy. This is just --

23 THE COURT: Okay, well I wasn't there, so

24 explain it.

25 A Basically, if you come to school after 8:15, that's --

1 that's an absence for the morning. Or if you come -- if
2 you leave school before 2:15, that's an absence.

3 BY MR. CALICE:

4 Q I'd like to now move -- transition to some questions from
5 our children who are -- are beautiful. Is it true that
6 they have their blue eyes from their mother?

7 A I don't know DNA, but.

8 Q They didn't come from their father, for sure.

9 Is it true that you own a Cadillac SRX?

10 A I do.

11 Q Do you have unpaid parking tickets?

12 A I don't believe so.

13 Q Have you ever spent any time in the Saginaw County Jail
14 for unpaid parking tickets?

15 A No, and you haven't either.

16 MR. CALICE: Your Honor, I'd like -- I would
17 like it recorded that I did in fact spend time in the
18 Saginaw County Jail for --

19 A You spent money [sic] in jail for not paying --

20 THE COURT: Ma'am, don't interrupt. There's no
21 question to you.

22 BY MR. CALICE:

23 Q So I understood, is it true that you've received funding
24 for your actions from -- I need to grab the deed here --
25 from someone that resides at 62 East Corral Drive?

1 MR. McLEOD: Your Honor, I object. First I
2 want to know what the question actually is. He talked
3 about funding for your action. What does that mean? Can
4 you clarify that, Mr. Calice?

5 BY MR. CALICE:

6 Q Miss Calice said she is enabled by funding from Rick and
7 Mary Goedert. I just wanted to understand what role they
8 play as we decide to divide assets. I want to make sure
9 I'm not -- I want to make sure it's understood whose
10 assets we're dividing. There is a -- 62 East Coral
11 Drive; is that your residence?

12 A No.

13 Q Has it ever been your residence?

14 A Yes.

15 Q When did you begin residing there?

16 A When I left you.

17 Q When did you leave me?

18 A The -- it was I think I got there, it was, like, 31st of
19 July.

20 Q July 31st?

21 A 2012.

22 Q Is it true that you're a YMCA Maryland social worker?

23 A No.

24 Q Were you ever a YMCA Maryland social worker?

25 A I worked with a program that was hosted by the Y in

1 Baltimore.

2 Q Is it true that you have tax documentation with your
3 social security number and Maryland address receiving
4 income from the YMCA of Maryland as a social worker?

5 THE COURT: Over what period of time?

6 MR. CALICE: In 2012, during the time when
7 plaintiff states that she was residing --

8 MR. McLEOD: Your Honor, I know we afford
9 pro-per a little leeway here, but again the relevancy of
10 this, I think he's trying to attack jurisdiction again,
11 it just makes no sense with the issues before the court.

12 THE COURT: Keep it brief.

13 MR. CALICE: Your Honor, I'm trying just to
14 understand where the assets are.

15 THE COURT: Keep it brief.

16 MR. CALICE: Thank you. Let me find my
17 thoughts here.

18 BY MR. CALICE:

19 Q Is it true that we filed, the last joint tax return we
20 filed was in 2011?

21 A Yes.

22 Q Was your signature on that document?

23 A I assume so.

24 Q Which state did we pay taxes on as a married couple?

25 A Michigan?

1 Q Is it true that we -- that we actually paid Maryland
2 property taxes?

3 A No, we didn't own property in Maryland.

4 Q Is it true that we paid Maryland income taxes?

5 A Well, yeah, I worked there for -- I worked there from
6 April until August when I went back and wrapped up the
7 job.

8 Q Okay. Who prepared your tax returns in 2012?

9 A Fred Gardner.

10 Q Fred Gardner. Does he share common assets with the
11 residents of 62 East Corral Drive?

12 A Common assets? I have no idea.

13 MR. McLEOD: Objection, relevance.

14 THE COURT: I'm going to sustain the objection.
15 I can't understand what the relevance could possibly be.

16 MR. CALICE: Your Honor, I'm curious to know,
17 I'm trying to understand how interests are aligned in
18 this.

19 THE COURT: Well, what we're here today to talk
20 about is what your marital assets are.

21 MR. CALICE: Okay.

22 BY MR. CALICE:

23 Q So is our martial asset -- do we own at any assets at 62
24 East Corral Drive?

25 A No.

1 Q Do we own a residency there?

2 A We don't own a residency anywhere.

3 Q We don't own a residency in Michigan?

4 A We don't own a residency anywhere, Tony.

5 THE COURT: Well, you still have a house, as I

6 understand, it has another week on it.

7 A Well, yeah, so.

8 THE COURT: You're not living there, is my

9 understanding.

10 A We have a week on our foreclosed home.

11 BY MR. CALICE:

12 Q It true that the president of the bank that will be

13 foreclosing on that home also lives at 62 East Corral

14 Drive?

15 MR. McLEOD: May I, Your Honor, objection to

16 relevance.

17 THE COURT: Sustained. That's not relevant.

18 BY MR. CALICE:

19 Q Is it true on that mortgage application, it was -- we had

20 to sign a notarized mortgage application shortly after

21 you left me, to use your words, and filed in Saginaw?

22 A I don't know, Tony. I don't know.

23 Q I can ask the president of the bank when he comes in

24 there. Your Honor, mortgage -- I'll ask these questions

25 later.

1 Is it true that such a document that was
2 prepared by the bank was notarized by a bank officer in
3 accordance with federal identity laws which --
4 MR. McLEOD: Your Honor.
5 BY MR. CALICE:
6 Q -- the court is not subject to?
7 MR. McLEOD: I object. First, it's a --
8 THE COURT: Overruled.
9 A I don't know, Tony. I don't -- I don't know.
10 MR. CALICE: Okay.
11 BY MR. CALICE:
12 Q Is it true that you are able to modify orders directly by
13 picking up a phone call to Miss Prine's cell phone?
14 A Oh, my God.
15 MR. McLEOD: Objection as to --
16 THE COURT: Sustained.
17 BY MR. CALICE:
18 Q Is it true that any order that we have created you have
19 been able to modify by making a direct phone call to a
20 non-elected Friend of the Court?
21 THE COURT: That's not relevant, sir. That's
22 not the way we do orders in Saginaw County.
23 BY MR. CALICE:
24 Q Is it true that I asked you four questions prior, as we
25 were discussing whether or not the children could come to

1 my brother's wedding in -- in Mackinac?

2 A I don't know if they were formed as questions. You were
3 not responding to my -- you were not responding to my
4 opening of dialogue, and you were saying a bunch of the
5 stuff that you always say.

6 Q Is it true that I asked, "What agreement do you believe
7 exists between us?"

8 A Yeah, you said to me about an arbitrary agreement. Yeah.

9 Q Is it true that you had no answer to that question? You
10 do not know of any agreement that we have between us
11 that's currently being honored?

12 A Tony, I was trying to open up a dialogue about the
13 children. I didn't want to talk about anything else. I
14 wanted to talk about the children seeing you. I didn't
15 want to talk to you about anything else. I was not
16 letting you hijack the conversation and have your way
17 with being nasty with me.

18 Q Just to make it more concise, you would deny that there's
19 any agreement between us that you would honor?

20 THE COURT: Regarding what?

21 BY MR. CALICE:

22 Q Parenting time or legal?

23 A I honor -- I honor all agreements.

24 Q Is it true that the original parenting agreement stated
25 that in the -- during the children's winter vacation in

1 Maryland, that the parent whose parenting time who's
2 beginning is to go and pick up the children at the start
3 of their parenting time?

4 THE COURT: We're not here to talk about
5 parenting time because the parenting time that is in
6 effect is what's going to be in effect.

7 MR. CALICE: Your Honor, there's a looming --
8 there are some difficult questions as to whether or not
9 any order that comes from this court will be enforced.
10 And so I just want --

11 THE COURT: Well, I don't know what's happened
12 in the past, but I guarantee you my orders will be
13 enforced.

14 MR. CALICE: Okay. And what is that guarantee?

15 THE COURT: That I'll enforce them however I
16 need to.

17 MR. CALICE: Okay.

18 BY MR. CALICE:

19 Q Miss Calice, is it true that your husband is a health
20 expert?

21 A I don't know -- a health expert? No.

22 Q Is it true that your husband --

23 A Unless you've become a health expert in the last
24 three years, you're not a health expert.

25 Q Is it true that your husband is a healthcare architect

1 for the Department of Health and Human Services?

2 A I don't know what you do, Tony. I know you're proud of

3 your badge. I don't know what you do.

4 Q This is --

5 THE COURT: You're going to get a chance to

6 testify. Just ask questions.

7 MR. CALICE: I'm sorry. Okay. All right, I

8 won't go into those questions.

9 BY MR. CALICE:

10 Q Is it true that during -- it was referenced before that

11 we met with the special master. Is it true that during

12 that hearing -- during that dialogue that we had with

13 Special Master Brisbois, that he instructed Mr. McLeod to

14 stop speaking so that he would not incriminate himself

15 and go to jail? That's in the transcript?

16 A I have no -- I don't remember that.

17 THE COURT: That's not before the court today.

18 BY MR. CALICE:

19 Q Is it true, regarding his comments on assets, that if the

20 court ever determined that Mrs. Calice left Maryland in

21 an improper fashion, that those assets would be returned

22 back to the --

23 A Oh, Tony. Come on, man. Tony.

24 Q It's simple yes, please.

25 A I don't know. I don't remember, Tony.

1 Q Would you like to have some time to look at that, or
2 perhaps confer with your attorney before answering that
3 question?
4 A No.
5 Q Can you answer that question without conferring with your
6 attorney?
7 A I --
8 MR. McLEOD: Your Honor, she's answered the
9 question.
10 THE COURT: I don't even know what the question
11 is.
12 A I don't either.
13 BY MR. CALICE:
14 Q Restating again, as simply as I can --
15 A This is so sad.
16 Q Regarding assets --
17 THE COURT: Stop. Stop making your comments.
18 Answer questions.
19 THE WITNESS: Okay. Sorry.
20 BY MR. CALICE:
21 Q Regarding the assets, did the special master state that
22 if it was determined that Mrs. Calice left Maryland in an
23 improper fashion, that those assets would be returned
24 back to Mr. Calice?
25 THE COURT: That's not before the court today,

1 sir.

2 MR. CALICE: Okay.

3 THE COURT: I'm here to determine what the
4 assets are and to divide them, what the debt is and to
5 divide it, and to determine issues regarding the children
6 that are before the court.

7 MR. CALICE: My understanding was that it was
8 in terms of the division of the assets, it was necessary
9 to know if the plaintiff left Maryland in a proper
10 fashion. Is that no longer relevant?

11 THE COURT: Jurisdiction has been determined to
12 be in Michigan, and this court is determining all the
13 issues regarding the divorce.

14 MR. CALICE: And a sitting Michigan judge, Your
15 Honor, delegated this to a special master, and he said
16 that he needed to know whether or not Mrs. Calice left
17 Maryland in a proper fashion so as to determine how the
18 assets would be divided.

19 THE COURT: Well, but that wasn't followed,
20 what the special master decided, otherwise we wouldn't be
21 here on assets today.

22 MR. CALICE: That is a good point.

23 THE COURT: Okay.

24 BY MR. CALICE:

25 Q Lastly, is it true that -- would it be fair to say

1 that -- that I do not live -- that the defendant does not
2 live at 820 North Michigan Avenue?

3 A No, you don't.

4 Q Are documents addressed to Tony Calice being sent to that
5 address?

6 A Tony, I have no idea.

7 Q Is it true -- is it true that documents being sent to
8 that, addressed to Tony Calice, are being opened up by
9 someone other than Tony Calice?

10 THE COURT: Are you talking about the mortgage
11 payments?

12 MR. CALICE: I'm also talking about federal tax
13 returns and federal tax documents.

14 THE COURT: Okay.

15 A I have no idea, Tony.

16 BY MR. CALICE:

17 Q Well, is it true that you have hired someone that works
18 at that address?

19 A My attorney works at that address.

20 Q Does he represent you, or does he -- does he represent
21 Melissa Calice or Tony Calice in this matter?

22 THE COURT: He represents the plaintiff, and
23 you know that.

24 MR. CALICE: The plaintiff, okay. Your Honor I
25 have no -- oh, actually, I have a couple more questions.

1 I'm sorry.

2 BY MR. CALICE:

3 Q Regarding accessing the assets in Maryland, is it true
4 that there was some discussion well before the special
5 master where we were attempting to coordinate what's
6 assets that you would like to have and get back to you,
7 get to you at whatever address you requested; did we have
8 a list there?

9 A There was a list that -- excuse me, Judge Borchard.

10 THE COURT: The other Judge Borchard.

11 A The other, Judge Fred Borchard.

12 THE COURT: The older one.

13 A The older Fred Borchard, that we had been working with up
14 until today, made in, I believe, November of 2012, and he
15 said what I could get. It was a list of stuff that I
16 asked for.

17 BY MR. CALICE:

18 Q Did you ever receive anything from your husband, in terms
19 of assets being given to you, before the Judge ordered
20 it, as a sign of good faith and willingness to cooperate?

21 A Oh, I don't think so.

22 Q You're denying that you ever received any assets, such as
23 a check written out to you in your name, or anything
24 transferred from Maryland --

25 A You weren't giving me any money, Tony. You weren't

1 giving me any money.

2 Q So you will deny that you ever received a check made out
3 to Melissa Calice and endorsed and deposited by Melissa
4 Calice?

5 A I don't -- I don't --

6 MR. McLEOD: Your Honor, may I ask for
7 clarification, what time frame he is talking about?

8 THE COURT: Are you talking about an alimony
9 check, or just in general?

10 BY MR. CALICE:

11 Q This is after Mrs. Calice left Maryland and claimed that
12 she lived in Michigan, and before any jurisdiction had
13 been decided, is it true that your husband was giving you
14 cash, in the form of a check, proactively?

15 A I left with whatever money I had in my checking account
16 and lived at my parents' house and had nothing. That's
17 what I remember, Tony. I remember --

18 Q Do you deny ever receiving a check --

19 A When the judge made you give me money and pay for your
20 children, that you're morally obligated to help pay for,
21 that's what I remember getting money from you.

22 Q Simply, you will deny that your husband ever gave you --

23 A Oh, good Lord.

24 Q -- any assets prior to being ordered? You will not
25 recognize any of those assets?

1 A I don't remember you giving -- I remember me having
2 nothing. That's what I remember.

3 Q I don't think we can go any further than this. I just
4 would like to talk about, just briefly, just to make sure
5 I understand the accounting, I'm going to ask these same
6 questions of other witnesses of this event.

7 In 2012, was there indeed a list of items, in
8 2012, a list of items you expected to receive when you
9 arrived to 43 Winterberry Court, in Maryland?

10 A Yeah, the one that the judge said I could have.

11 Q Yes, there was a list that we had agreed upon?

12 A No, you and I didn't agree on it, Tony. The judge said I
13 could have it.

14 Q Miss Calice, are you stating that Fred -- Honorable Fred
15 Borchard had ordered those items to be given to you on --
16 in 2012, the end of 2012, at 43 Winterberry Court?

17 A Yes.

18 Q You're saying that that was not -- that was never
19 volunteered prior to an order from Honorable Fred
20 Borchard?

21 A No, Tony.

22 Q I would advise you that you are under oath.

23 A Oh, my God. Tony, you didn't give me anything.

24 THE COURT: You two stop it.

25 BY MR. CALICE:

1 Q When you arrived there, is it true that you were given
2 access to things that you did not request? That were
3 marital assets that did you not request, were you given
4 access to that?

5 A Tony.

6 THE COURT: As in what?

7 BY MR. CALICE:

8 Q Access to all of the marital assets. And I want to begin
9 with were you provided access --

10 A When it was time to --

11 Q -- to the storage --

12 THE COURT: Let him finish his question.

13 THE WITNESS: Okay.

14 BY MR. CALICE:

15 Q My first question is the storage unit where we stored our
16 marital assets, were you given a hundred-percent
17 unfettered access to that storage locker?

18 A You -- there were some stuff in the storage locker, not
19 what I was asking for, not what was on the list.

20 Q I just wanted to make sure that that was --

21 THE COURT: Were you given access to the --

22 A Yeah.

23 THE COURT: -- storage locker, yes or no?

24 A Yeah.

25 MR. CALICE: Unfettered.

1 BY MR. CALICE:

2 Q Is it true that when you arrived at 43 Winterberry Court,
3 that list that we had agreed upon was presented to you by
4 the father of the defendant, and he was going to -- and
5 he had provided instructions that he was going to escort
6 the movers to those items and back? And he will be
7 witnessing as well, as well as both witnesses will be
8 there?

9 A Tony, I had access to the stuff that you were going to --
10 that you were going to allow me to take. And it was not
11 stuff on the list.

12 Q Correct. There was --

13 THE COURT: Okay.

14 BY MR. CALICE:

15 Q -- in addition to that list, when you arrived at 43
16 Winterberry Court, Cockeysville, Maryland, our last known
17 marital address, were you greeted by someone with that
18 same list of items that we had agreed you could have,
19 mutually agreed that mother could have -- plaintiff could
20 have?

21 A I have no idea what your dad had in his pocket. I
22 just -- I don't know if he had -- I just know that we
23 went to the storage unit and it was a bunch of stuff that
24 I didn't want in there, and it was not what I wanted on
25 the list. I wanted the kids' beds. I wanted the kids'

1 beds.

2 Q Why don't you know what Mr. Calice, not myself, my father
3 who's serving as an intermediary, why don't you know that
4 he had a list in his hand? Did you ask him what that
5 paper was?

6 A Tony, I just wanted my stuff. I didn't want to play
7 games with you two. I didn't feel like dealing with you
8 guys trying to bully me. I just wanted my stuff.

9 Q What was your father-in-law doing? Was he playing a game
10 outside?

11 THE COURT: This isn't helping me a lot.

12 A This is like a game right now, actually.

13 BY MR. CALICE:

14 Q I'm trying to understand. There was an agreed-upon list.
15 I'm trying to understand --

16 THE COURT: And that agreed-upon list will
17 remain an order of the court and the items will be
18 delivered pursuant to that list, if they haven't already
19 been.

20 THE WITNESS: I have what --

21 THE COURT: That's all we need to go, and
22 that's all the further we need to go with that list.

23 MR. CALICE: I guess it had been suggested that
24 there's an unwillingness to cooperate.

25 THE COURT: Well I'm not going to -- what

1 I'm -- I'm going to be sure that the items get delivered.
2 If there was a prior order of the court, it will be an
3 order of the court and it will happen.

4 MR. CALICE: Okay.

5 BY MR. CALICE:

6 Q Is there an order that the children are to be able to
7 speak to their father two times a week?

8 A I -- I don't know what the current order is. It was very
9 confusing with the -- with the suspended parenting time.

10 Q Would you -- so are you suggesting that Honorable Fred
11 Borchard injected some confusion on an agreement that you
12 thought we had and he was interfering with?

13 A When the kids ask to talk to you, I call. We call right
14 away.

15 Q Huh.

16 A When they say they want to talk to dad, we call right
17 away.

18 Q Is it true that every single time that the children have
19 been denied by this court parenting time with their
20 father, that the court has promised to make it up to
21 those children?

22 A I don't know what you're talking about. Your behavior is
23 how we got here today and how the last eight months have
24 gone. This is your behavior, Tony.

25 Q The way that I got here today was driving from Maryland.

1 THE COURT: All right, I don't care how either
2 of you got here today. Proceed.

3 BY MR. CALICE:

4 Q I just want to know, you know, was there an agreement
5 that -- did we ever agree, did Honorable Fred Borchard
6 ever state that any parenting time that the children were
7 deprived of would be made back to the father? To their
8 father?

9 A I don't know about that.

10 Q Do you believe that any parenting time that they were
11 denied should be made back up to their father, or made
12 back to them so they can have that time made --

13 A I believe that --

14 Q Let me re-ask the question.

15 A -- that they should have a relationship with their
16 father.

17 Q Let me --

18 THE COURT: That will be for me to decide, not
19 her.

20 MR. CALICE: That's for you to decide, okay.
21 We asked times, dates, Cadillac. I think that is it. No
22 further questions, Your Honor.

23 THE COURT: Okay. Thank you.

24 MR. CALICE: Is this the time where I can
25 release the witness and call my next witness?

1 THE COURT: Actually, plaintiff's on their case
2 now so they will be calling witnesses since they have the
3 burden of proof. Then it will shift to you when they're
4 done calling their witnesses.

5 MR. CALICE: Thank you for clarifying.

6 THE COURT: Okay.

7 MR. CALICE: No further questions, thank you.

8 THE COURT: Okay.

9 MR. McLEOD: Melissa, just a couple.

10 REDIRECT EXAMINATION

11 BY MR. McLEOD:

12 Q You answered some questions for Mr. Calice regarding the
13 2012 tax return --

14 A Uh-huh.

15 Q -- who prepared it, who did what with money, et cetera.
16 So that Judge Borchard understands, when did you depart
17 Maryland and come back to Michigan?

18 A I believe it was the 31st of July when I departed
19 Maryland and I came back to Michigan.

20 Q So for the last five months of calendar 2012, you were
21 not in Maryland?

22 A No.

23 Q Whether checks for his consulting came to his home or
24 not, you had no knowledge whatsoever?

25 A No knowledge.

1 Q And you testified you had nothing to do with it prior to
2 that date, except perhaps opening a letter or something
3 like that?

4 A I would plug in numbers that he gave me, hit send.
5 That's how I invoiced for him for that last couple
6 months.

7 MR. McLEOD: Thank you, Melissa.

8 THE COURT: You may step down.
9 You may call your next witness.

10 MR. McLEOD: Mary Goedert.

11 THE COURT: Well take a 15-minute recess.
12 (At 10:48 a.m., court recessed.)

13 THE CLERK: All rise. Circuit Circuit Court is
14 back in session.

15 THE COURT: Please be seated. You may call
16 your next witness.

17 MR. McLEOD: Thank you. Mary Goedert, please.

18 THE COURT: Raise your right hand, please. Do
19 you swear to tell the truth?

20 THE WITNESS: I do.

21 THE COURT: Have a seat right up here, please.

22 MARY GOEDERT

23 Being first duly sworn at 11:11 a.m., testified under
24 oath as follows:

25 DIRECT EXAMINATION

1 BY MR. MCLEOD:

2 Q Good morning.

3 A Good morning.

4 Q Please state your name?

5 A Mary Goedert.

6 Q Mary, what is your relationship to the plaintiff?

7 A I'm her mom.

8 Q Her mom, okay. Mary, I will indicate during testimony

9 this morning there was some conflict regarding some

10 personal property located in Maryland that you -- and a

11 trip you and Melissa took to Maryland, and I want to

12 solicit some testimony from you to clarify that.

13 A Can you speak up a little bit for me?

14 Q Sure I can. I'd like to solicit testimony from you and

15 the Maryland trip?

16 A Okay.

17 Q Do you know what I am referring to?

18 A I do.

19 Q And do you recall scheduling a trip to Maryland with your

20 daughter, Melissa, for the purpose of picking up personal

21 property?

22 A Yes.

23 Q And when do you recall that as having occurred?

24 A When?

25 Q When?

1 A December, like, 27th or 28th.

2 Q Of what year, Mary?

3 A 2012.

4 Q Two-thousand?

5 A '12.

6 Q Okay?

7 A I've got copious notes here, so.

8 Q Let's not go over all your copious notes.

9 A I know, it's scary. The 27th through the 29th, 2012.

10 Q And in front of you on that table there, there's a stack

11 of papers marked Plaintiff's Exhibit No. 1; do you see it

12 there?

13 A Yes.

14 Q And do you recognize that packet?

15 A Yes.

16 Q Does that packet represent, on the first page, a summary

17 list of this personal property that you and Melissa

18 traveled to Maryland to retrieve?

19 A These are the things that have not yet been returned.

20 Q I understand that.

21 A Yes.

22 THE COURT: The question was, was that what you

23 were going to retrieve?

24 A Yes.

25 BY MR. McLEOD:

1 Q You were trying get it back, right?

2 A Yes.

3 Q All right. You made arrangements, took a trip, drove to
4 Maryland, hired a U-Haul, hired some workers to pick it
5 up; right?

6 A Yes.

7 Q Tell the judge what happened.

8 A We stayed overnight in a hotel the night before, and we
9 were to meet -- we had to go hick pick up a U-Haul in a
10 town that was different than where the items were, and we
11 were able -- we got there and to pick it up, and it
12 took -- before that, we got lost. I was driving and I
13 went the wrong way in metro Washington D.C. Baltimore
14 area, we lost about an hour and a half so we were running
15 late. And we got to the -- got the U-Haul and we -- it
16 took more time than we expected, and it cost Melissa more
17 money because she had to get insurance and she didn't
18 know about that, so we called her insurance agent to see
19 if we were -- if it was covered, and it wasn't.

20 So we ended up corresponding with Tony, letting
21 him know that we were on our way, and he said that we
22 needed to go to a storage unit. And the items that she
23 wanted were in the townhouse that they lived in. She
24 wanted the big, big furniture items that were on the list
25 that Mr. Brisbois had said she could have. And he said,

1 Tony said, "No, go to the storage unit," and the items we
2 wanted were not in the storage unit. The items we wanted
3 were in the house, and he kept saying go to the storage
4 unit, he repeated it, and she said why do you -- why do
5 we need to go there, and he said it doesn't matter, go to
6 the storage unit. And she had never agreed to go to the
7 storage unit.

8 So we ended up going to the storage unit and
9 his dad met us there and led us into a storage unit,
10 opened the door and said, let me know when you're done,
11 like, unpacking this or putting this in the truck. And I
12 had a bad back, we had no movers there, the movers were
13 at the house, and I said, "I can't move any of this. We
14 don't have a truck." Meaning we didn't have the truck
15 there. And we -- Melissa and I left and went back to the
16 house.

17 THE COURT: Were the items there that you came
18 to pick up?

19 A We -- it was hard to tell. It was a small storage unit
20 and it was packed to the ceiling, and I -- Melissa was in
21 front of me. I don't know if there were things in there
22 that she wanted or not. But mostly because -- especially
23 because we were out of town -- time, running out of time,
24 we wanted the children's beds. That's what she went
25 there to get, was to retrieve the things for the kids.

1 Because they were on vacation and she had just moved into
2 a new home and she wanted to make a home comfortable with
3 the kids -- for the kids, including their beds, the
4 bedding and the toys that we were going to retrieve. It
5 was all about the children, making the kids -- have in
6 their bedroom.

7 THE COURT: Tell me what happened.

8 A Have a nice bedroom. That's what the goal was.

9 So the stuff that was in there, it just was
10 boxes of stuff, and books, and that kind of thing, and
11 that wasn't the priority, and she had a four-hour window
12 here to get this stuff and get these movers to move it.

13 And our goal was to have them move these big
14 items into the truck and secure them because we had a
15 Budget truck that we were driving through the mountains
16 and we wanted it to be secure and safe for us as well to
17 get -- and we had these guys that were going to pack it.

18 So we went back to the house, and she told Tony
19 that the movers were there in the truck at the house, and
20 I believe she texted Tony or talked -- I don't think she
21 talked to him. I think she texted him and said you have
22 10 minutes to get -- get, you know, your dad back here,
23 otherwise I'm going to call the police. Because we were
24 running out of time, we needed to pack. So his dad came.

25 And Melissa at that point was broke. She

1 didn't have the money. She had to spend this extra
2 money, she didn't have any money, she was in a position
3 where she had to borrow from me. We were tired, we were
4 scared, it was very emotional, and she lost it with
5 Tony's dad and was, you know, yelling at him.

6 And then I said, "Rick, let's you and I work
7 this out." Tony's dad and I have had a good
8 relationship, had had a good relationship to that point,
9 and I said, "Come on, Rick, you and I can talk this out."
10 So I pulled him away from her and I said let's work this
11 out. And he said, well, I don't -- he said, "I don't
12 know how you're going to get this stuff. Tony's gone
13 with the kids and I don't have a key."

14 And I said, "Well, how am I going to get in?"

15 And he said, "Tony's the only one with a key,
16 and he left with the kids."

17 And I didn't have -- I didn't say anything
18 more. I thought what's going on here? We can't get into
19 the house, and that's where all the furniture is.

20 So at that point we went, Tony's dad left, and
21 Melissa called the police and the police officer came and
22 he said it's, you know, the only thing I can do is go to
23 the family, or mom and dad, and ask if they will let us
24 into the house and get the things. And he came back and
25 said they're not there. So that's where we left.

1 Q You were disabled from getting into the home --
2 A We did not get into the home.
3 Q -- to get the stuff. Number one, Tony wasn't there;
4 number two, Tony's intermediary, his father, did not have
5 a key? Is that what you're saying?
6 A Correct.
7 Q And efforts to find a key to access were unsuccessful?
8 A There was no key. We were given no key. We did not get
9 in.
10 Q All right. And you, Mary, had no confrontation with dad?
11 A No.
12 Q Tony's dad?
13 A I did not.
14 Q And that was the end of it?
15 A Uh-huh.
16 Q Thanks.
17 THE COURT: And then you sent the movers on
18 their merry way and took the truck back and --
19 A Paid the movers.
20 THE COURT: -- returned to Michigan?
21 A Paid the movers, took the truck back, came back to
22 Michigan.
23 MR. McLEOD: You have to stay there just a
24 minute, Mary.
25 THE COURT: Yep, he gets to ask you questions.

1 THE WITNESS: Okay.

2 CROSS-EXAMINATION

3 BY MR. CALICE:

4 Q This is awkward. Good morning, Mary -- Mrs. Goedert.
5 Just for the record, to make sure I understand, you are a
6 Sagittarius, you're born in December?

7 A Uh-huh.

8 THE COURT: We don't need to hear that. Let's
9 get to the point.

10 MR. CALICE: Okay. I'll get to the point.

11 BY MR. CALICE:

12 Q When you an arrived at this storage unit, was the storage
13 unit just left unlocked, wide open when you showed up?
14 The storage unit you were saying that you didn't know
15 what was in there, but you saw something in there and you
16 left. Was that just -- did you arrive to some arbitrary
17 storage unit in Maryland that was unlocked, that you were
18 directed to?

19 A What are you -- I'm not sure what you're asking.

20 Q I'm asking was a key required to access the storage unit
21 that you saw in Maryland?

22 A I didn't have a key.

23 Q You didn't have the key. Well, how could you possibly
24 have accessed a storage unit that was locked if you
25 didn't have a key?

1 A Your dad opened the door.

2 Q Is it true you just said my dad didn't have a key?

3 THE COURT: To the house.

4 BY MR. CALICE:

5 Q Ma'am, could you please clarify how --

6 THE COURT: She said your dad didn't have a key

7 to the house, not the storage unit.

8 MR. CALICE: Okay. Then we'll get to those

9 questions next. And I was not there, there at -- I'm

10 sorry, that was testimony.

11 BY MR. CALICE:

12 Q How did these items get to Maryland? These items that

13 you mentioned, how did these items get to Maryland?

14 A Moving van.

15 MR. McLEOD: Your Honor, I don't want to start

16 the routine again, but I have to. This is hardly

17 relevant.

18 THE COURT: I assume they got there when your

19 wife moved there to be with you.

20 BY MR. CALICE:

21 Q Mary -- Mrs. Goedert, who packed those items and put them

22 in the truck to Maryland?

23 A Um.

24 THE COURT: If you know.

25 A Yeah, I was there helping pack. Melissa was there. You

1 were there for part of the time.

2 BY MR. CALICE:

3 Q Would it be fair to say that the items that you moved to
4 Maryland, you had responsibility for moving those items
5 to Maryland? They did not just arbitrarily show up
6 there?

7 A Did?

8 Q Did you move those items on the list to Maryland?
9 Specifically you're talking about china, I think in one
10 of the e-mails. Did you specifically move those items to
11 Maryland?

12 A I did not move those items to Maryland.

13 Q Did you pack any of those items?

14 A Yes.

15 Q Did you unpack those items --

16 A Yes.

17 Q -- when they arrived in Maryland?

18 A Yes.

19 Q Okay. How do you know that those items were not in the
20 storage unit? Did you inspect the storage unit?

21 A No.

22 Q Why wouldn't you -- why -- you said you did not have a
23 moving truck at storage unit where items are being
24 stored. Why didn't you bring a moving truck? Wouldn't
25 it seem reasonable to bring a moving truck to a storage

1 unit to retrieve the items that were stored there?

2 A We had a priority, and the priority was the heavy pieces
3 that -- for the kids. That was the priority, and that's
4 what we went to the house for. Movers were there with
5 the truck, waiting to move the heavy items to the truck.

6 Q Was your intent the children could sleep on those beds?

7 A Uh-huh.

8 Q Were the children -- when you drove from Saginaw with the
9 intent of taking of the beds from the children, where did
10 you expect your grandchildren to sleep on that night
11 after you took the beds from them? Did you want the
12 children not to have beds to sleep on when they were in
13 Maryland?

14 A That wasn't anything that I -- that wasn't my business,
15 honestly. It was about moving the things, the items,
16 that's why I went.

17 Q I'm sorry, I'm confused. Did you drive to Maryland to
18 take your grandchildren's beds from them?

19 A I drove with my daughter to Maryland -- to Maryland, to
20 help her with packing and moving.

21 Q Was it your intent for -- was your intent to deprive
22 these children --

23 A No.

24 Q -- of beds while they were in a Maryland?

25 A I've never had an intent of depriving those children for

1 anything, Tony.

2 Q Were you bringing replacement beds for them to sleep on
3 when you took their beds from Maryland?

4 A No, I was not, no.

5 Q Were they supposed to sleep on the floor?

6 A I don't know.

7 Q They wouldn't have any beds if you took --

8 THE COURT: This is argumentative, and I get
9 your point.

10 MR. CALICE: Okay.

11 BY MR. CALICE:

12 Q So when you abandoned the storage unit -- let's see.
13 When you abandoned the storage unit, you went to 43
14 Winterberry Court; is that correct?

15 A When we left the storage unit, we went to the townhouse.

16 Q Were you greeted by my -- my father -- by the father of
17 the defendant, Richard Calice?

18 A No.

19 Q He was not at 43 Winterberry Court?

20 A No, he wasn't.

21 Q You spoke with him. Where did that conversation happen?

22 A At Winterberry Court.

23 Q Your Honor, I'll just re-clarify then. Rick Calice
24 Senior, father of the defendant, was at 43 Winterberry
25 Court and you did have a conversation with him?

1 A He did not greet us. Your question was did he greet us
2 there, and he was not there when we went there.

3 Q Did you have a cordial exchange with Rick -- did you have
4 an exchange with Rick Calice at 43 Winterberry Court?

5 A Yes.

6 Q Did he have a list of items?

7 A Yes, he did.

8 Q Did he have instructions on how to transport those items
9 from a secured home to the movers?

10 A I don't know about that.

11 Q What did you guys talk about?

12 A I said, "You and I can work this out."

13 Q After you told him to work it out, what else did you
14 discuss?

15 A He -- I asked him about getting in and he said, "I don't
16 have a key."

17 Q So you --

18 A And I said, "How are we going to get in?" And he said,
19 "I don't know. Tony's the only one with a key, and he's
20 taken the kids and he's gone out of town."

21 Q Were you going there for the purpose to ransack the
22 Maryland house?

23 MR. McLEOD: I object, Your Honor.

24 THE COURT: Sustained. That's argumentative.

25 BY MR. CALICE:

1 Q What was your intent for accessing a house that you don't
2 live in? Why did you go to Maryland?

3 THE COURT: It was to get the kids' beds, she
4 said that about five times, and the big items that were
5 on the list. Wherever this list is.

6 BY MR. CALICE:

7 Q First of all, why didn't you take any of those items that
8 were made available -- why did you not take a single item
9 that was made available to you at the storage unit?

10 THE COURT: She already answered that. Because
11 she was there to get the big items and didn't have the
12 help there to remove the items from the storage unit.

13 BY MR. CALICE:

14 Q At what point did you conclude that you would be unable
15 to retrieve the items that Mr. Calice had on the list?

16 A When your father said, "I don't have a key. I don't know
17 how you're going to get in the house. Tony's got the
18 only key, and he left town with the kids."

19 Q Did you file a police report?

20 A Yes.

21 Q Does the police report match your story?

22 A I have it with me. I could go through this pile and
23 produce it.

24 Q If you could please produce that, I think there's only
25 one sentence, I'm not sure if any of those match what

1 you're stating. I believe the police reports -- were you
2 demanding access to a house that's not yours?

3 THE COURT: She's already testified that's why
4 she called them.

5 MR. CALICE: No, she testified that she was
6 coming to take beds from her grandchildren. She was not
7 testifying that she was under orders to break into a
8 Maryland house, Your Honor.

9 BY MR. CALICE:

10 Q Were you trying illegally gain access to a Maryland
11 house?

12 A No.

13 Q Could you please -- we could give you some time. Could
14 you please go through your copious notes and identify
15 that police report and read that to us?

16 A I know the court -- the police number, and it's Frank
17 Gullion, and the inquiry number is 123630861, and it will
18 take me some time to find it but I know I saw it this
19 morning.

20 MR. CALICE: Your Honor, I'd be happy to
21 furnish that at a later point today. I have an
22 electronic copy, I need access to a printer.

23 THE COURT: She's got it.

24 A I've got it, and here's the list of the things, I do have
25 that. Let's see here. No, I guess I don't. It might be

1 in my bag in back there.

2 MR. CALICE: Would the court please grant her
3 time? The police report does not coincide. The police
4 were --

5 THE COURT: I don't know why we're going
6 through all this because, if she had called me and I was
7 her attorney, I would have told her to break a window and
8 get in, take the items that were on the list, this was
9 her house as well as your house at the time, both of you
10 are on the lease, I'm sure, and I would have told her to
11 go and get the items on the list and nothing more. And
12 so I don't know why we're going through this.

13 MR. CALICE: Your Honor, I believe the path to
14 wisdom here would be base this on the facts that were
15 reported by Maryland police.

16 THE COURT: But that's hearsay and they're not
17 here to testify about that.

18 MR. CALICE: That is on a official police
19 report. Miss Goedert says she has access to that.

20 THE COURT: It's still hearsay.

21 MR. CALICE: I'd be happy to furnish that if --

22 THE COURT: That's fine. If she can find it,
23 fine. If not, I'm just saying I don't know why we're
24 going through this.

25 MR. CALICE: Miss Goedert filed a police report

1 to substantiate her hearsay. So please produce the
2 police report that you're referencing.

3 THE COURT: If you have it.

4 A Okay, I'll look through again.

5 THE COURT: Maybe your client can find a copy.

6 A I didn't think I really needed to bring it because I --

7 THE COURT: If you can find it, produce it. If
8 not --

9 A No, I'm not finding it here.

10 THE COURT: Okay.

11 MR. CALICE: So, Your Honor --

12 THE COURT: You can produce a copy of it this
13 afternoon.

14 MR. CALICE: Okay.

15 THE COURT: Here we have it. I assume.

16 MR. McLEOD: If you can identify that?

17 A Yeah, this is it.

18 Do you want to see it?

19 THE COURT: No.

20 A Okay. I have it.

21 BY MR. CALICE:

22 Q Can you please read the officer's report where it lists
23 that -- it indicated what the doc -- can you please write
24 down what the officer documented and his name, please?

25 A Do you want me to read all of this? There's -- do you

1 want me to read all of this, or is there a specific
2 question you want me to answer and look for the answer.

3 Q Please read all of it.

4 A On this date at the said time, this officer responded to
5 the above location in reference to a domestic assist.
6 Upon my arrival, I was met by complainant Calice. She
7 advised that she arrived at the location on this date to
8 remove items that her and her estranged husband had
9 mutually agreed upon her taking back to Michigan.
10 Complainant Calice had a Budget moving truck, along with
11 two employees present and ready to remove the items. She
12 also provided a court order from Michigan that stated she
13 could be at the location during the Christmas break of
14 2012 to remove and gather belongings. She advised that
15 when she arrived, her estranged husband was not present
16 and that she could not get in contact with him. She
17 advised that they had sent messages back and forth
18 between the two of them of the exact date and time that
19 she would be there along with a list of items that she --
20 not in court order that she could remove. Due to
21 complainant Calice not having a key to access the
22 property, and without the presence of her estranged
23 husband who resides at the location, this officer
24 contacted the Baltimore County legal section to ascertain
25 if the court order from Michigan could be followed. They

1 advised that if the husband was present and agreed upon
2 which items were being removed, then that would be the
3 only way for complainant Calice to remove the property.
4 They advised that even if a spare key was present, that
5 it would not be in the best interests of the all parties
6 involved for complainant Calice to enter the residence
7 without the husband present. Complainant Calice was
8 informed to contact her lawyer in reference to this
9 incident and to file the proper paperwork through the
10 Maryland court system in order to obtain the needed the
11 belongings.

12 Q Did complainant Calice follow those instructions and
13 respect Maryland jurisdiction, as requested by a Maryland
14 police officer?

15 A I -- I -- it says -- I don't know.

16 Q Which laws do you think apply in Maryland?

17 THE COURT: Move on. We're not here to
18 determine that. I don't even know the laws in Maryland
19 that apply, so I'm sure she doesn't.

20 MR. CALICE: That's probably good. We have
21 laws against breaking and entering, so it's different.

22 THE COURT: Well, it depends on whose home it
23 is. If she lived there and that was also her residence
24 when she was there, then she would still have a right
25 to -- unless there was a court order that gave you

1 exclusive use of that residence, she would still have the
2 right to go in that residence, which, obviously, the
3 police officers didn't understand.

4 MR. CALICE: Your Honor, are you stating that
5 you agree that Maryland is the residence -- I have
6 documentation -- you've seen the --

7 THE COURT: The residence was in Maryland.

8 MR. CALICE: Just to make sure, I want to make
9 sure I have the address correct that the --

10 THE COURT: The only issue we're here to decide
11 is were you there to give her the items that you had
12 agreed upon? And you weren't.

13 MR. CALICE: What we're here to decide --

14 THE COURT: She went on a rodeo of going,
15 getting trucks, getting employees, getting everybody
16 else, while you took off with the kids, and didn't have a
17 key to the house. I'll hear your side of the story when
18 it's time for you to testify.

19 MR. CALICE: I just want to make sure it was
20 understood, those assets were moved from Michigan to
21 Maryland by Mary Goedert.

22 THE COURT: We all understand that.

23 MR. CALICE: Do we understand that -- that
24 there was a key that was used to give access to items in
25 a storage facility.

1 THE COURT: In the storage facility. And they
2 were there to get beds and bigger items that they had
3 hired movers to move the heavier items that they couldn't
4 move.

5 MR. CALICE: If that were the case, why weren't
6 those items removed from the storage unit?

7 THE COURT: I don't know. Because she said
8 she -- we've heard all this testimony.

9 BY MR. CALICE:

10 Q So when these items were abandoned, was it true that you
11 abandoned those items from the storage unit?

12 A We went to Maryland to get the beds and the things for
13 the kids. I didn't see what was in the -- the storage
14 unit. I knew that we were there to get the beds and to
15 have the movers pack the van in a safe way, and that
16 meant putting the heavy items in first.

17 Q Those were -- and you were denied those items, you were
18 given access to those items that were at the storage
19 unit?

20 A I don't know. I didn't see all the stuff that was in the
21 storage unit.

22 Q How can you claim that you don't have access to something
23 when you were given access to something and you didn't
24 even bring a mover to take it? Did you have any
25 intention to actually use the mover to put items into the

1 van?

2 A That was our intention. That's why we hired them.

3 Q If you had that intention, why didn't they move items

4 from an accessible storage unit?

5 A They were -- I'll say it again. The goal was to have the

6 movers move the heavy items from the townhouse to the

7 truck and pack it so that we could have a safe return.

8 Q Was that mutually agreed upon, that you would access that

9 residence? I thought this was mutually agreed upon that

10 you would access the items from a secured neutral

11 location, the storage unit, and that's why you were

12 there; isn't that true?

13 A We didn't know anything about the storage unit until we

14 were on our way to pick up the truck. We didn't -- we

15 knew nothing about it, and Melissa -- I never heard her

16 agree to go to a storage unit, and I know she tried to

17 get ahold of you to ask you why she had to go to a

18 storage unit, and your response was go to the storage

19 unit.

20 Q Who moved those items to the storage unit?

21 THE COURT: I don't want to hear another word

22 about these items. Move on to the next subject.

23 MR. CALICE: I'm just trying to understand

24 who's responsible.

25 THE COURT: Move on to the next subject.

1 BY MR. CALICE:

2 Q Have you -- I understand, in terms of assets, I want to
3 make sure it's clear. You -- is it true that you have
4 been funding --

5 MR. McLEOD: Your Honor, I'm going to object.

6 THE COURT: He hasn't even asked a question.

7 Let him ask a question, then you can object.

8 BY MR. CALICE:

9 Q Is the plaintiff in debt to you? Does she have a debt to
10 you? Does she need to pay you back money for what you've
11 invested into this trial?

12 THE COURT: That's not relevant. Parents do
13 that in every divorce case. Move on.

14 BY MR. CALICE:

15 Q Is it true that at the time you stated that Melissa --
16 that the plaintiff was broke, that she had \$50,000?

17 A She didn't have \$50,000. She used it for attorney bills.

18 Q What were the attorney bills used for? The Maryland
19 attorneys that you were advised to access?

20 A I don't know. I just know that she didn't have -- she
21 told me she didn't have any -- the money left in her
22 trust.

23 Q And \$50,000 disappeared on -- by what date in December
24 did she not have any money to engage the Maryland court
25 system, as requested by the Maryland police?

1 A I don't understand what you're saying.

2 Q On approximately December 27th, 2012, you're stating that

3 the plaintiff had zero money and was unable to hire a

4 Maryland attorney, as requested by Maryland police, that

5 asked people to follow Maryland laws?

6 MR. McLEOD: Your Honor, I've go to object to

7 this rambling. There's no questions going on. It's not

8 relevant to anything before the court. He's talking

9 about --

10 THE COURT: Sustained. I indicated I don't

11 want to hear another word about the personal property.

12 Move on to a new subject.

13 BY MR. CALICE:

14 Q Miss Goedert, do you live at 62 Corral Drive?

15 A Say that again?

16 Q Do you live at 62 East Corral Drive?

17 A Yes, uh-huh.

18 Q Is that a residence?

19 A Yes.

20 Q Is that a rental --

21 A No.

22 Q -- facility?

23 So is the information on the Saginaw deed

24 correct, accurate, that you and Rick Goedert live at that

25 address?

1 A I don't know what the deed says.

2 Q Okay. Your Honor, can I provide this?

3 A I can say, if it saves some time, I live at 62 East

4 Corral Drive, and my husband and I live there and own the

5 house.

6 Q At that address, is that the address that was used to

7 hire Mr. McLeod?

8 A I don't know.

9 Q Does Mr. McLeod represent anyone at that address?

10 A No.

11 Q Is anyone at 62 East Corral present in this room?

12 A I am.

13 Q Does Mr. McLeod represent anyone at 62 East Corral Drive?

14 THE COURT: Did your daughter live there with

15 you for a period of time?

16 MR. CALICE: At what point --

17 THE COURT: Stop.

18 Did your daughter live for a period of time

19 when she moved from Maryland?

20 A Yes. Yes, when Melissa, when they came back from -- came

21 to Saginaw from Maryland, they lived there for about four

22 and a half months.

23 BY MR. CALICE:

24 Q On September 11th, 2012, and I can ask this question for

25 the other resident, on September 11, 2012, did First

1 State Bank of Saginaw notarize a document stating that
2 Melissa lived at 43 Winterberry Court, in Maryland?

3 A I don't know.

4 Q Is -- are you married?

5 A Am I married?

6 Q Are you married?

7 A I'm married, yes.

8 Q Who's your husband?

9 A Rick Goedert.

10 Q What is his occupation?

11 A He's a banker.

12 Q A banker. What's his responsibility at that bank?

13 A He's president of First State Bank of Saginaw.

14 Q Okay. Were you aware that your husband has an interest
15 in the property that's being foreclosed on?

16 MR. McLEOD: Objection. Can he please
17 establish foundation for a generic statement that her
18 husband has an interest in property? That's factually
19 not accurate.

20 THE COURT: Why don't you ask her husband,
21 because I've got a feeling --

22 MR. CALICE: I'm just trying to understand who
23 hired this man, if it's First State Bank, Rick Goedert,
24 Mary Goedert, or someone with a counterfeit document. I
25 cannot find any Melissa Calice or any record that lives

1 at 62 Corral, and I would -- I would ask the court to
2 please present that. I understand that Mr. McLeod has a
3 notary that states that she witnessed residency.

4 BY MR. CALICE:

5 Q Miss Goedert --

6 THE COURT: You lost me.

7 MR. McLEOD: I don't know what he's talking
8 about.

9 BY MR. CALICE:

10 Q Miss Goedert, did you sign an affidavit stating that
11 mother and children lived at 62 Corral Drive six months
12 immediately before proceedings began?

13 A No.

14 Q Huh. But your address is 62 East Corral Drive. Were you
15 aware of anyone living there six months prior, I guess
16 that would be April of 2012?

17 A My husband and I lived at 62 East Corral Drive.

18 Q In April 2012, isn't -- wasn't your -- did your
19 granddaughter have a birthday? I want to understand
20 where the assets are. Did your granddaughter have a
21 birthday on April 25th, 2012?

22 A Yes.

23 Q Were you present for it? Were you present for your
24 granddaughter's birthday?

25 A Yes, I think I was.

1 Q Your granddaughter's name is Amelia Jayne Calice?

2 A Uh-huh, yes.

3 Q During that time, was your husband there as well?

4 A Yes.

5 Q Approximately which state was that located?

6 A We were in Maryland.

7 Q Did you bring assets to Maryland at that time?

8 A I don't know.

9 Q Did you -- did you and your husband access a home at that

10 time to go through assets?

11 A No.

12 Q Were you reviewing bank statements?

13 A No.

14 Q Did you use credentials belonging to the married couple

15 to access online bank statements?

16 A No.

17 Q I'm really confused. Did you ship anything from 43

18 Winterberry Court to 62 Corral Drive using FedEx with a

19 tracking number?

20 A No.

21 Q Did you ship anything from 43 Winterberry Court to 62

22 Corral Drive using an UPS tracking number, two boxes

23 addressed to Mary Goedert?

24 A In April of 2012?

25 Q In 2012, did you access --

1 THE COURT: In 2012? Or in April 2012?

2 BY MR. CALICE:

3 Q In the entire year of 2012, did you access 43 Winterberry
4 Court and ship items to Mary Goedert at 62 Corral Drive?

5 A No.

6 Q Did you receive anything at 62 Corral Drive that was
7 addressed to Mary Goedert?

8 A Yes.

9 Q What were those items?

10 A Those items were Rocco's and Mia's snow pants, one
11 down -- one North Face jacket that was Melissa's, her
12 leather purses, her shoes, Rocco -- Mia's Matilda Jane
13 clothing that I had paid for. It was 40 pounds.

14 Q So during this unfettered --

15 A I --

16 Q You had unfettered access to transport these items -- did
17 anyone interfere with your ability to ship those items?

18 A I didn't ship the items. I received them.

19 Q Did anyone interfere with the shipping of those items?

20 A I don't know.

21 Q Who shipped those items?

22 A Melissa.

23 Q Did Melissa -- I'm sorry. In 2012, did Melissa have
24 unfettered access to ship items from 43 Winterberry Court
25 to your address at 62 Corral Drive?

1 A I don't know.

2 Q Did your daughter ever complain that she was unable to
3 access items at 43 Winterberry Court, that prevented her
4 from shipping them to you?

5 A She never said anything like that to me.

6 Q She's not complaining that she had accessibility issues?
7 She couldn't access items at 43 Winterberry Court? I
8 don't understand. Either she could access -- could she
9 access --

10 THE COURT: Ask questions. Don't make
11 statements.

12 BY MR. CALICE:

13 Q Was the plaintiff able to access -- freely able to access
14 items in 2012 and ship them to your address?

15 A I don't know.

16 Q You don't know. Was she a resident of your address when
17 she shipped them, or did -- she didn't ship them to
18 herself, did she? Or did she just ship marital assets to
19 you?

20 A She shipped clothing, her clothing, and some of the kids'
21 clothes to my address.

22 Q Are we married?

23 A Yes.

24 Q I don't think we are married. Your name is Mary. You
25 are my mother-in-law.

1 A Oh, I thought you said married. Are we married.
2 Q Although I might become available if all goes well. But,
3 no, I wanted to make sure that we have no legal
4 relationship?
5 A You and I?
6 Q Yes?
7 A No. Just by marriage.
8 Q So who sent you -- did I send you items?
9 A No.
10 Q Did Melissa send items -- did mother send items with
11 any -- without any impediment, to you freely?
12 A Melissa sent items to my house.
13 Q At what point did she stop having unfettered access to
14 43 Winterberry Court? Was it when she claimed that she
15 didn't live there, or was it -- when did she stop having
16 unfettered access --
17 THE COURT: Why is this relevant?
18 MR. CALICE: Your Honor, there's two arguments
19 here and we need to understand which one it is. Either
20 the plaintiff had unfettered access to 43 Winterberry
21 Court, or she didn't. I'm hearing two stories that seem
22 to be conflicting.
23 THE COURT: Well, that's probably because at
24 one point she did and at one point she didn't. The only
25 time I'm hearing that she didn't have access is when they

1 were there with the truck. I haven't heard another
2 complaint from the plaintiff that she had -- was denied
3 access. I've heard testimony about these two -- about
4 your mother-in-law and your wife going to Maryland to
5 pick up some stuff that was on a list, that was agreed
6 to, and I've heard the entire story. And whether she had
7 access before or not hasn't really become an issue.
8 Let's just assume she did have access for purposes of
9 this trial and move on.

10 BY MR. CALICE:

11 Q Okay, for the purpose of this trial, when mother claimed
12 that she lived at 62 Corral Drive, she had unfettered
13 access to send items from 43 Winterberry to 62 Corral
14 Drive; is that true or false?

15 A Ask me the question again.

16 Q In July of 2012, did the plaintiff have unfettered access
17 to ship items from 43 Winterberry to the residence that
18 she claims was her home?

19 A Yes.

20 Q At what point did she not have access to 43 Winterberry
21 Court, which she claimed she didn't live at, to the ship
22 items to her home? When did that stop?

23 A I don't know.

24 Q Why do you think that stopped?

25 A I don't know.

1 THE COURT: Let's move on. She said she didn't
2 know.
3 MR. CALICE: Okay.
4 THE COURT: You could have asked these
5 questions of the plaintiff and it would have been a whole
6 lot easier to go through.
7 MR. CALICE: She seemed a little nervous. This
8 one's a pro.
9 Thank you, Your Honor. No further questions.
10 MR. McLEOD: Thank you, Mary.
11 THE COURT: You can step down.
12 MR. McLEOD: I'm calling Mr. Calice next. Do
13 you want me to get started now or --
14 THE COURT: No.
15 MR. McLEOD: Okay.
16 THE COURT: I need my lunch first. We'll leave
17 now and we'll come back at twenty after one and we'll
18 resume this trial.
19 THE CLERK: 1:15?
20 THE COURT: Yeah, 1:15.
21 (At 11:46 a.m., court recessed.)
22 THE CLERK: All rise. Circuit Court is back in
23 session.
24 THE COURT: Please be seated.
25 You may proceed.

1 MR. McLEOD: Your Honor, when we talked this
2 morning, I indicated my next witness would be Mr. Calice.
3 If I may make a request of the court, Mr. Calice, I
4 believe, alluded to a desire to have Mr. Rick Goedert
5 testify. He has not been subpoenaed to appear, he's here
6 voluntarily, and I would ask to take him out of order so
7 he can get back to his other business.

8 THE COURT: That's fine.

9 MR. McLEOD: That would be your witness.

10 MR. CALICE: My witness can begin now?

11 MR. McLEOD: If you can take Mr. Goedert out of
12 order.

13 MR. CALICE: I'd like to have Mr. Rick Goedert.

14 THE COURT: Okay. Please step forward. Raise
15 your right hand, please. Do you swear to tell the truth?

16 THE WITNESS: I do.

17 THE COURT: Have a seat right up here, please.

18 Before we get started this afternoon, we spent
19 half of our morning talking about \$2,000 worth of
20 personal property. I know you valued it at
21 eight-thousand something, but the court values personal
22 property at what it's worth currently. And normally we
23 have appraisers, auctioneers come in and evaluate, and
24 usually it's about \$0.10 cents to the dollar, I'm going
25 to assume it's about \$0.25 to the dollar, but you guys

1 can't afford to spend a whole lot more time talking about
2 the personal property.

3 MR. McLEOD: I don't plan to spend any more
4 time talking about it.

5 THE COURT: Let's get to issues at hand. All
6 right, you may go ahead.

7 MR. CALICE: Okay.

8 RICHARD GOEDERT

9 Being first duly sworn at 1:32 p.m., testified under oath
10 as follows:

11 DIRECT EXAMINATION

12 BY MR. CALICE:

13 Q Good afternoon, Mr. Goedert. Make sure I understand that
14 your name is Rick Goedert?

15 A It is.

16 Q Do you have a residence at 62 East Corral Drive?

17 A I do.

18 Q Do you have an occupation?

19 A I do.

20 Q Who do you work for?

21 A I work for First State Bank.

22 Q What is First State Bank?

23 A It's a normal bank, a state chartered community bank.

24 Q And what capacity do you work in that bank?

25 A I am the president and CEO.

1 Q What is the responsibility of -- what does that
2 responsibility include?

3 A Pretty much everything at the bank. I manage the bank in
4 total.

5 Q Okay. Does that -- did you introduce the defendant and
6 plaintiff to a mortgage officer by the name of Dennis
7 Dinauer?

8 A I did.

9 Q I would like to provide a bank statement to make sure
10 we're talking about the same item. This is an asset that
11 is worth more than \$200,000, according to the bank.

12 THE COURT: Is it something you want the court
13 to see as an exhibit? You have to have it marked as an
14 exhibit.

15 MR. CALICE: Okay, I guess I'd like to mark an
16 exhibit here. If I could mark this is as an exhibit
17 after my questions, I'm sure will be fine.

18 THE COURT: We may not even need it by the time
19 you clarify.

20 MR. CALICE: Okay.

21 BY MR. CALICE:

22 Q On September 11th, is that a significant date to banks?
23 Are any of the regulations that you are required to
24 follow, does September 11th have any significance to your
25 responsibility as a bank officer?

1 A I don't -- I'm not sure of that. I don't know that
2 September 11th is in a regulation? It may be. I don't
3 know.

4 Q Are you familiar with the Know Your Customer Act?

5 A I am.

6 Q What's the Know Your Customer Act?

7 A It's a regulation that requires certain identification of
8 customers so that we're aware of their legality and --
9 and who they might be.

10 Q Are you responsible to make sure that -- to ensure that
11 that act -- that that responsibility is performed at
12 First State Bank?

13 A Indirectly, correct.

14 Q Did you directly introduce a loan officer with that
15 responsibility?

16 A Yes, I did.

17 Q To Richard Calice, Jr.?

18 A Yes.

19 Q And Melissa Calice?

20 A Correct.

21 Q Were you aware that on September 11th, 2012, that that
22 officer notarized a document on an asset worth over
23 \$180,000, according to your bank?

24 A I'm not aware directly of that happening. It happens.

25 Q I'm sorry, do you reside at 62 Corral?

1 A I do.

2 Q Are you aware that First State Bank is seeking to --

3 well, actually, can you please explain what a mortgage --

4 what the mortgage is, how a secured mortgage works?

5 A I -- I can.

6 Q Specifically, what happens when there's a default?

7 A When there's a default, collection attempts are made.

8 And if those are not successful, the bank ultimately, to

9 satisfy its debt, proceeds with foreclosure and it

10 forecloses on the house.

11 Q Would it be fair to say that misappropriation of funds,

12 or rental revenues do not make it to your bank, would

13 cause a foreclosure to happen?

14 A I --

15 Q Is it fair to say if rental revenue from a property that

16 is securing that debt does not make it to you, that would

17 cause a foreclosure to happen?

18 THE COURT: Him meaning the bank?

19 A The bank?

20 BY MR. CALICE:

21 Q A bank foreclosure to happen?

22 A Lack of payment for any reason would cause a foreclosure.

23 Q Have you -- has First State Bank hired an attorney or

24 engaged an attorney to repossess this asset? My

25 apologies if I have the wrong term.

1 A Which asset? The one, your --
2 Q The asset at -- in Royal Oak, 62 Catalpa Drive?
3 A 620?
4 Q Or, I'm sorry, 620?
5 A Yes, we did. We hired an attorney to proceed with
6 foreclosure, which did occur.
7 Q Did that attorney -- is that attorney at 820 North
8 Michigan Avenue?
9 A No.
10 Q I'm confused. There is an attorney at 820 North Michigan
11 Avenue that was hired by someone at 62 Corral Drive to --
12 MR. McLEOD: Objection, Your Honor.
13 BY MR. CALICE:
14 Q -- acquire this house --
15 MR. McLEOD: Objection. There's nothing in
16 evidence to establish that fact. Let him create a
17 foundation saying somebody at 820 was hired by somebody
18 at Corral. That's not in evidence.
19 MR. CALICE: Your Honor, this is what started
20 the entire proceeding. Someone at 62 Corral Drive hired
21 someone at 820 North Michigan Avenue. That's the whole
22 basis for us being here.
23 A The bank. The bank hired an attorney, Chuck Hewitt from
24 Bay City, to proceed with foreclosure on that property.
25 THE COURT: He's not on North Michigan. Are

1 you referring to, maybe, them helping their daughter get
2 a lawyer to file for divorce?

3 BY MR. CALICE:

4 Q Well, I'm not sure. Did you pay for both -- did you pay
5 for two attorneys to try to recover this asset? Is that
6 a --

7 A Me, the bank?

8 Q I'm trying to understand your interest. Rick Goedert --
9 I'm sorry, make sure I identify you. Are you Rick
10 Goedert?

11 A I am.

12 THE COURT: You know, I'm losing patience here.
13 We're playing games and I'm losing patience.

14 MR. CALICE: There are games, Your Honor.

15 THE COURT: Yeah, well the game is daughter's
16 getting --

17 MR. CALICE: Which game are you talking about?

18 THE COURT: The game you're playing right now,
19 trying to show that there's something wrong with him
20 helping his daughter hire an attorney, if that's what
21 you're inferring.

22 MR. CALICE: I think it's perfectly fine for a
23 bank officer to hire an attorney to reclaim an asset.

24 THE COURT: And that was -- he testified that
25 was Chuck Hewitt out of Bay City, which has no connection

1 whatsoever with Mr. McLeod or anybody at his firm.

2 MR. CALICE: I just want to make sure we're
3 talking about the same property. On that loan document
4 that was notarized by your bank officer, Dennis Dinauer,
5 on September 11, 2012 --

6 A Okay.

7 Q Who owns that property? What is their residence? I want
8 to make sure we're talking about the same person.

9 A Who owns 620 Catalpa?

10 Q According to your bank records, who is the mortgage with?
11 The name and address?

12 A It's you and Melissa, to the bank.

13 Q Okay. Were the identity verification procedures followed
14 at your bank?

15 A I assume they are.

16 Q Do you know that they are?

17 A Well, we have audit procedures that we go through, and we
18 check and make sure that we're following the regulations,
19 and so those are pretty clean.

20 Q If that audit procedure doesn't reconcile with the audit
21 procedures here, is that a suspicious activity? Do you
22 have any requirement to report suspicious activity?

23 A Are you talking about --

24 THE COURT: Where are we going with this?

25 A You're talking about a different regulation.

1 THE COURT: Wait a minute. Where are we going
2 with this?

3 MR. CALICE: Your Honor, where we're going for
4 is trying to find out which interest at 62 Corral are
5 being served. Is 62 Corral trying to acquire an asset
6 from someone that lives in Maryland? A married couple in
7 Maryland? As -- that the bank thinks? Or is -- who is
8 62 Corral hiring to recover this asset? Bottom line, it
9 appears there are two attorneys that have been hired.

10 A We hired one attorney for the bank to do the foreclosure.

11 Personally, we have not hired any attorney
12 regarding 620 Catalpa, personally. We hired -- or
13 Melissa hired Tim for the divorce.

14 BY MR. CALICE:

15 Q I'm sorry, did you provide money to Mr. McLeod to seize
16 this asset?

17 A No, no. I don't think -- as far as I'm concerned,
18 Mr. McLeod's not involved in the repossession of the
19 asset one bit. It's the bank and Chuck Hewitt, and
20 that's it.

21 Q If you were to find out that a sitting judge states that
22 your address is wrong, what -- would that constitute a
23 suspicious activity on your bank?

24 A No.

25 Q Why isn't that suspicious that we can't seem to get the

1 same identity correct?

2 MR. McLEOD: May I pose an objection?

3 THE COURT: Where are we going with this?

4 MR. McLEOD: What is the logic behind any of

5 this jibber-jabber I'm hearing?

6 BY MR. CALICE:

7 Q It's a simple question. There's so many attorneys

8 running around, I'm trying to find out who represents

9 whose interest?

10 A Chuck Hewitt represents the interests of the bank.

11 THE COURT: McLeod represents the plaintiff.

12 Where are we going with this?

13 MR. CALICE: Okay.

14 BY MR. CALICE:

15 Q And whose interest do you represent? Do you represent

16 the interest of the bank as a bank officer?

17 A I do.

18 Q Is it also true that you represent the interest of

19 Melissa Calice by providing her money for her legal fees?

20 A We have, as a couple, we have.

21 Q So is it true that you're funding both Mr. McLeod's

22 fraudulent identify?

23 MR. McLEOD: Your honor, I'm gonna --

24 BY MR. CALICE:

25 Q -- to acquire this asset, as well as the bank's attempt

1 to acquire -- you're funding both sides of this?

2 THE COURT: Stop, everyone. When somebody
3 starts making an objection, stop talking so he can make
4 his objection.

5 What is your legal objection?

6 MR. McLEOD: Your Honor, he is posing so much
7 unsubstantiated fact to follow up on his little world
8 that it's beyond comprehension how we can object to that.
9 Now he's tying me in to some scheme to foreclosure on his
10 property. There's no specific question being posed to
11 this witness that's pertinent to this court this
12 afternoon. He answered five or four times that Hewitt is
13 foreclosing. I've got nothing to do with it. I don't
14 know where we go from there.

15 THE COURT: Your response, sir?

16 MR. CALICE: Mr. McLeod -- has Mr. McLeod been
17 charged with providing --

18 THE COURT: Your response to his objection?

19 MR. CALICE: Oh. Where we're going with this
20 is Mr. McLeod assumed the responsibility of paying First
21 State Bank. He was accepting money from that property
22 but not giving it to First State Bank. It seems to be a
23 conflict of interest.

24 THE COURT: You noted that.

25 MR. McLEOD: Your Honor, if I may because he

1 doesn't know what he's talking about. If the court looks
2 at an October 2013 order entered by the Honorable Fred
3 Borchard, pertinent provision of that order, after
4 finding Mr. Calice in contempt four times, indicates that
5 the net rentals from that property shall be paid into my
6 IOLTA account until further order of the court. This is
7 a court directive. It's not some scheme I've engaged in
8 to somehow steal money. And I don't think he knew about
9 the order when he started all this money laundering mumbo
10 jumbo, and then when he found out that an order existed,
11 he confronted and chastised Mr. Demetriou about its
12 existence. So he's just trying to spin a web here that
13 makes no sense.

14 THE COURT: And I sustain the objection. Move
15 on to some other issue.

16 MR. CALICE: There's a term I'm not familiar.
17 Could you please explain to me what money laundering is?
18 I don't know --

19 THE COURT: I said move on to another issue.
20 We're done with this. He helped his daughter get a
21 lawyer. He hired a lawyer for the bank to recover the
22 home that wasn't paid on. Next issue.

23 BY MR. CALICE:

24 Q What is the practice that you have -- let me make this
25 clearer.

1 Had we exchanged assets? Have I provided you
2 any assets? Do we have any joint legal arrangement where
3 I give you assets or money?

4 A Who's we?

5 Q Myself, Richard A. Calice, Jr. If you have any access to
6 my assets, do we have a legal arrangement? Are you, as
7 my banker, do you have access to my information, my
8 personally identifiable information?

9 A As a banker?

10 Q As an officer of First State Bank?

11 A Yeah, anything you would have applied -- that you had for
12 a mortgage application is in a file at the bank.

13 Q In what capacity have you used my personally identifiable
14 information?

15 A None, other than to foreclosure on a mortgage.

16 Q Is there a reason why my personally identifiable
17 information is being used to record revenue at an address
18 at 820 North Michigan Avenue, that was hired by someone
19 at your address? Was that provided by you? Did you
20 provide my social security number to someone at 820 North
21 Michigan Avenue?

22 A No.

23 Q Did you inform the Michigan property management company
24 that the owner lives at 820 North Michigan Avenue?

25 A No.

1 Q Huh. I want to find this statement because it seems like
2 there is a contradiction. I want to make sure I
3 understand we're talking about the same person. Please
4 grant me one moment to pull up this paper, and then I can
5 let you go back to your important job. One moment.

6 It appears that I did not bring that
7 document -- oh, I have it right here. I had it hidden
8 underneath. I would like to enter this into evidence and
9 then ask Mr. Goedert if he can identify this as coming
10 from his bank?

11 THE COURT: Have it marked by the court
12 reporter. Nobody talk while he's marking it because he
13 can't take down testimony and mark an exhibit at the same
14 time.

15 (At 1:48 p.m., DX 6 marked for identification.)

16 MR. CALICE: Exhibit 6.

17 THE COURT: Proposed Exhibit No. 6.

18 MR. CALICE: Proposed Exhibit No. 6.

19 BY MR. CALICE:

20 Q Ask some questions from there. Is that your bank? Was
21 that bank statement produced by your bank?

22 A Yes.

23 Q Are you the president of that bank?

24 A I am.

25 Q Could you please read the address on that form? Who is

1 that addressed to?

2 A Both who it's addressed to and the address?

3 Q Please read the to address in that document?

4 A 43 Winterberry.

5 Q There's more to that. City? State?

6 A Oh, Cockeysville, Maryland. Want the zip?

7 Q Yes, please.

8 A 21030-2414.

9 Q What is the date on that?

10 A October 15, 2014.

11 Q Would you agree that that identity is inconsistent with

12 what we have here in court? Who lives there? Who lives

13 at 43 Winterberry Court, in Maryland?

14 A Well, I'm not sure.

15 Q Well, you're the officer of the bank. Don't you have to

16 know your customer who lives at that address?

17 A Well, this obviously is where you and Melissa lived while

18 you were there, until she came back to Saginaw. This was

19 the address, probably, that was current when you applied

20 for the mortgage, or the last time you refinanced, or

21 something like that.

22 Q What date did that happen on?

23 A According to you, September 11, 2012.

24 Q Which officer?

25 A Dennis Dinauer.

1 Q So has your officer produced a false mortgage application
2 with incorrect address information?

3 A Did you sign the application?

4 Q Both Melissa and I signed that application.

5 A And so --

6 Q And it is notarized by your bank. Is your bank
7 keeping -- in keeping with Know Your Customer's rules?
8 Do you know where your customers live?

9 A Well, the address would have been on the application. So
10 at the time, that's when it should have been corrected.
11 If the application since said 43 Winterberry and you guys
12 signed it, Dennis would have assumed that was still your
13 address.

14 Q So you don't really know your customer. Does your
15 customer live at 43 Winterberry Court?

16 A Not anymore.

17 Q Why is -- where do they live? Where does your customer
18 live?

19 A Well, you live in Maryland still. And Melissa lives in
20 Saginaw.

21 Q Which documentation do you have to know that that's true,
22 as a bank officer? I'm not asking you as a person. I'm
23 asking you as an officer of a bank, with requirement to
24 know your customer?

25 A I -- I mean I know where Melissa lives. She has a

1 checking account with the bank, she would you have filled
2 out checking account information with city, state --

3 THE COURT: What's the relevance?

4 MR. CALICE: I just want to know -- I want to
5 understand where the customer lives.

6 THE COURT: What's the relevance to this trial?

7 MR. CALICE: There is a proceeding Mr.
8 Goedert -- or First State Bank is trying to recover --
9 retrieve this asset which is worth approximately
10 \$200,000, generating rental revenue, and it's about to
11 be -- this income producing asset is about to be seized
12 by a bank.

13 THE COURT: Unless you redeem it by next week.

14 MR. CALICE: Yes. And what caused -- so First
15 State Bank had been receiving --

16 THE COURT: I'm asking the relevance to this
17 trial?

18 MR. CALICE: My attempt is preserve, as was
19 stated in the initial restraining order, is to preserve
20 marital assets. My concern is that marital assets are
21 not only not being preserved, parties at 62 Corral are
22 actively trying to dismantle those assets. And I'm not
23 sure if that party is someone by the name of Melissa
24 Calice that lives there, a First State Bank loan officer
25 that's trying to seize it, or some attorney that was

1 hired to not -- to collect the money but not pay the bank
2 and force it to go over there. So I'm trying to
3 understand who is responsible? Who's responsible for
4 knowing where your customer is?

5 A Well, we have --

6 THE COURT: Are you saying you didn't get
7 notice of these foreclosure proceedings?

8 A You didn't get notice of the foreclosure?

9 MR. CALICE: I'm aware of a foreclosure notice,
10 and I -- so I guess is that a question to the question
11 now? Am I on trial -- or on the stand? I'm on trial.
12 But am I on the stand? Would you like me to answer that?

13 THE COURT: I want to know what the relevance
14 is. Did you not get your foreclosure notices?

15 MR. CALICE: I received a foreclosure notice,
16 and I immediately asked -- and reported to your bank that
17 the money is being produced, and there is absolutely no
18 reason why this should be foreclosed on. The revenues
19 exceed the expense. So I want to understand why that
20 rental property is producing money and it doesn't seem to
21 get to your bank. That didn't seem to be an issue, I
22 never went into foreclosure when I was in control of that
23 asset, but someone hired at 62 Corral Drive is
24 interfering with that money getting to the bank, causing
25 the loss of marital property.

1 THE COURT: The money was being paid to Mr.
2 McLeod's office, and he indicated he wasn't aware of a
3 second mortgage. Certainly you were aware of a second
4 mortgage. Was that through this bank?

5 MR. CALICE: It's -- I was aware of the second
6 mortgage, as well as both parties on that notarized
7 document.

8 THE COURT: Where was the second mortgage
9 through?

10 MR. CALICE: First State Bank.

11 THE COURT: All right.

12 MR. CALICE: The president's right there. Both
13 sides have signed that document. Both were well aware.
14 Obviously, Mr. Goedert, as Melissa's stepfather,
15 nonbiological parent, was aware of this. But also as
16 bank officer, was also well aware of both these mortgages
17 there. They should not come to any surprise in Saginaw.
18 This comes to a surprise as someone that's always paid
19 their bills on time. And now I find out that money is
20 being misappropriated by actors in Saginaw that is
21 causing the destruction of marital property, and that
22 seems to be in direct -- I'm concerned, would you agree,
23 that that's a destruction of marital assets, that you are
24 taking marital assets.

25 THE COURT: That's for me to decide. You've

1 made your record on where the mortgages are, who's hired
2 who to do what. And it's not his determination whether
3 something was done inappropriately or anything was
4 misappropriated. That's my job.

5 MR. CALICE: I guess my question is, is it the
6 bank officer's responsibility to report this suspicious
7 activity that we can't seem to identify where customers
8 live? Do you now think that that's suspicious, or is
9 that not suspicious to you?

10 THE COURT: As long as everybody's getting
11 their notices, what difference does it make where people
12 live?

13 BY MR. CALICE:

14 Q Mr. Goedert, could you please --

15 THE COURT: No, I'm talking to you. As long as
16 you got your foreclosure notices, as long as all the
17 notices for lack of payment got to you, what difference
18 does it make where the document says you lived when you
19 applied for the mortgage?

20 MR. CALICE: Anti money laundering statutes
21 would prohibit that.

22 THE COURT: Okay. Move on to a new subject.
23 We've covered this completely.

24 MR. CALICE: Okay.

25 BY MR. CALICE:

1 Q You have two grandchildren -- how many grandchildren do
2 you have, Mr. Goedert?

3 A Four.

4 Q Four. What are their names?

5 A There's Becket and Rocco and Mia and Lola.

6 Q Are you biologically related to all four?

7 A No.

8 Q How many are you related to?

9 A Biologically, to two.

10 Q Biologically two?

11 A Becket and Lola.

12 Q So you're not biologically related to two children that
13 were formerly in Maryland?

14 A I'm not.

15 Q But you believe you are legally their grandfather?

16 A I do.

17 THE COURT: What difference does this make now?

18 MR. CALICE: We're hear to talk about joint
19 legal custody. I want to understand who all the people
20 that think they're legally entitled to my children, to my
21 house --

22 THE COURT: There's only two people legally
23 entitled to your children: You and your wife. Period.

24 MR. CALICE: Okay.

25 THE COURT: Nobody else has any legal claim to

1 your children. Nobody has any rights to your children.
2 Nobody makes decisions for your children.
3 MR. CALICE: Okay.
4 I guess one more question.
5 BY MR. CALICE:
6 Q When you repossess that asset, is it a common practice --
7 THE COURT: We're done with that topic, I told
8 you that. Move on.
9 MR. CALICE: Okay.
10 BY MR. CALICE:
11 Q I guess lastly is I understand that you confirmed you
12 live at 62 Corral Drive. Who is your accountant? Who
13 prepares your taxes for you?
14 THE COURT: Personally?
15 A Personally?
16 MR. CALICE: Yes.
17 THE COURT: Not for you to know or you to find
18 out.
19 A Why?
20 BY MR. CALICE:
21 Q Do you share a common asset with your next-door neighbor?
22 THE COURT: That's not relevant to this action.
23 MR. CALICE: Well, I'm trying to --
24 THE COURT: And the other thing I want to know
25 is why you went out over the lunch hour and got a deed

1 for Sue Prine's house?

2 MR. CALICE: I got a deed for the school board.

3 THE COURT: You went and got a deed for her

4 personal property.

5 MR. CALICE: I got a deed, Your Honor, for the

6 school board treasurer. I did not know the school board

7 treasurer's also the court. I was surprised to find --

8 THE COURT: Why would you get a deed for a

9 school board officer?

10 MR. CALICE: I want to understand if the school

11 board hired someone to produce a report to say that

12 Saginaw schools are superior.

13 MS. PRINE: Judge, can I make a comment to

14 that?

15 THE COURT: No, you don't even need to comment

16 about that.

17 MS. PRINE: All right. He did know.

18 THE COURT: That's troublesome to this court.

19 MR. CALICE: I'm concerned.

20 THE COURT: It's not showing a good thought

21 process on your part to be running around getting deeds

22 for people that --

23 MR. CALICE: Your Honor, are deeds public

24 information?

25 THE COURT: What -- yeah, but it's just

1 troublesome, some of the things you've done in this case.
2 Running around at the sheriff's department, I have a
3 sheriff's department police report that you ran around to
4 the sheriff's department, claiming to be a federal
5 officer, claiming to be doing an investigation on child
6 trafficking from Maryland to Saginaw, claiming that you
7 were doing it as part of your job. Now you're running
8 around getting the Friend of the Court's deed to her
9 property. Yeah, that may be public information, it's
10 just a little troublesome. What thought processes are
11 going through your mind to do things like this?

12 MR. CALICE: It's similar to the thought
13 process where a sitting judge would say it's okay to
14 throw a rock and break into any marital residence.
15 That's pretty disturbing.

16 THE COURT: I didn't say to break into any
17 marital residence. I said if somebody has a right to be
18 in that residence because they're on the lease to that
19 residence and they live there, that it would be proper
20 for them to go in, and use self-help if somebody had
21 locked them out of their very residence, to go get their
22 stuff. That's what I said.

23 MR. CALICE: Did the records say --

24 THE COURT: And I'm not going to sit here and
25 banter with you.

1 MR. CALICE: Okay, Your Honor.

2 THE COURT: Move on.

3 MR. CALICE: Let's see. I guess I have no
4 further questions.

5 THE COURT: You know, we're here to talk about
6 custody of children. I haven't heard anything about that
7 so far.

8 MR. CALICE: Your Honor, I do not respect that
9 this -- I respectfully have stated -- I do not want to
10 repeat myself, but I've already stated my special
11 appearance. I'm just collecting information I want to
12 add -- I want to understand people, objects, location and
13 events for subsequent efforts to bring some intelligence
14 to this conversation.

15 THE COURT: That certainly didn't help me bring
16 any intelligence to it.

17 MR. CALICE: And I wouldn't have to show up to
18 your sheriff's department if they could spell names
19 correctly. That's pretty unprofessional.

20 BY MR. CALICE:

21 Q Mr. Goedert, have you ever been known, has your last name
22 ever been spelled C-a-l-i-c-e?

23 A No.

24 Q What are all the spellings? Are there any other
25 spellings of your last name that we should be aware of?

1 A That's it.

2 Q Okay.

3 MR. CALICE: No further questions.

4 MR. McLEOD: Thank you, Mr. Goedert. You're
5 excused, please.

6 THE COURT: You may step down.

7 MR. McLEOD: For what it's worth, I'd like to
8 now interpret Mr. Calice's repeated refusals to be
9 involved in this proceeding as evidence of default for
10 further proceedings.

11 THE COURT: Denied. You may call your next
12 witness.

13 MR. McLEOD: Mr. Calice, this will be brief, if
14 you'll take the stand, please.

15 THE COURT: Raise your right hand, please. Do
16 you swear to tell the truth?

17 THE WITNESS: I swear to tell the truth.

18 THE COURT: Thank you. You may be seated.

19 RICHARD A. CALICE, JR.
20 Being first duly sworn at 2:01 p.m., testified under oath
21 as follows:

22 DIRECT EXAMINATION

23 BY MR. McLEOD:

24 Q Good morning, sir. Could you please state your full
25 name?

1 A My name is Richard Anthony Calice, Junior.

2 Q And as you just heard judge Borchard comment upon, we are

3 here for reasons of determining legal custodial status,

4 and asset and liabilities. I'm going to touch with you

5 solely and briefly on the assets side of things, okay?

6 Let's start with some very simple things. A car. Do you

7 own a car?

8 A I own a car.

9 Q Could you please identify the car by year, make and

10 model?

11 A I own one Cadillac SRX, year 2006.

12 Q When was that obtained, sir?

13 A It was obtained from Burt Watson's -- and I'm not -- I

14 think approximately 2009, 2010. I spent three days in

15 jail for that car.

16 Q Spent time in jail for buying a car?

17 A Actually for that car in Saginaw, I spent three days in

18 jail.

19 Q You currently own that car?

20 A Saginaw has said that I own the car. I'm not sure what

21 the record is. I believe I don't own it, but Saginaw put

22 me in jail for three days, so I guess I would ask the

23 Judge or --

24 Q I'm going to try to keep you focused and the answer is

25 real simple. Do you own the car or not?

1 A Yes.

2 Q All right. That was pretty easy, wasn't it.

3 Is there a debt --

4 THE COURT: Move on. Don't argue.

5 BY MR. McLEOD:

6 Q Is there a debt on the car?

7 A No.

8 Q Do you own any other vehicles?

9 A Yes.

10 Q Please identify any other vehicles?

11 A The other vehicle is a metallic blue 2013 Subaru Outback.

12 Q And is there debt associated with that vehicle?

13 A Yes, there is.

14 Q All right. As I understand it, sir, during the pendency

15 of the proceedings, a prior vehicle you owned suffered

16 fire damage; correct?

17 A Yes.

18 Q It was totalled out by your insurance carrier?

19 A It was completely destroyed, correct.

20 Q You were paid monies to buy a new vehicle?

21 A Yes, I was.

22 Q That's the vehicle you just described?

23 A Yes, it is.

24 Q And did you receive monies over and above the cost of

25 acquiring the new vehicle?

1 A No, I did not.

2 Q All right. So everything you acquired from the insurance
3 went to the new vehicle --

4 A Yes.

5 Q -- correct? All right.

6 When we initiated this proceeding, would you
7 acknowledge that there was an investment account at
8 Morgan Stanley?

9 A Could we see the exhibit that -- I believe that's the one
10 that was formerly named as Smith Barney. If I could see
11 the statement, I could confirm that.

12 Q Would it help orient you if I went on to indicate this is
13 the account that you drew down after entry of the
14 temporary restraining order, in the approximate amount of
15 14,000?

16 A It would help orient me if I could see that document. I
17 know we had a Smith Barney account.

18 Q Do you acknowledge drawing down about 14,000 during the
19 pendency of this proceeding?

20 A Date? Time? Transaction? Is that --

21 Q Do you acknowledge drawing down about 14,000 during the
22 pendency of this proceeding?

23 A From which account? When?

24 Q I'm referring to it as a Morgan Stanley account. It's
25 reflected on your 2012 tax return that I'll have you

1 identify in just a minute. Does that help orient you?

2 A I'm looking, trying to -- this is a 2012 tax account?

3 This is --

4 Q Yeah.

5 A -- first time I've seen this. Let's see.

6 Q First time you've seen your tax return?

7 A I'm looking. If I could have a moment to look through

8 this?

9 Q Absolutely.

10 A Trying to find the signature on this document. I want to

11 make sure it's not a counterfeit. Do you have a signed

12 copy of this one?

13 Q Of the tax return?

14 A Yes.

15 Q No, I only have what Mr. Demetriou provided to me was

16 what you're looking at.

17 A This one can't possibly be right because it says that --

18 that Richard and Melissa Calice were in Maryland, that

19 they live in Maryland.

20 Q No, that's not what --

21 A And Your Honor just told you that they don't.

22 Q The identity of the tax taxpayer, that being you, is in

23 Maryland, and you two are filing separate returns. It

24 doesn't say where Melissa is residing.

25 A You know, I'm not a tax accountant, but I only see

1 Maryland on here. This can't possibly be the right one.
2 I see St. Paul's in Maryland. Where is Michigan?
3 Q Let me orient you back, okay? I'm talking about a
4 withdrawal from Morgan Stanley. Does that help you?
5 Here's a 1099 issued to you in 2012 for 14,000 and
6 change; does that help you remember you taking money from
7 that account?
8 A I'm not sure which Tony Calice transactions occurred at
9 your office, 820 North Michigan Avenue, or --
10 Q Listen to my question. Do you remember withdrawing that
11 sum of money from Morgan Stanley?
12 A I don't recall.
13 Q You don't recall. Does that tax return you have in front
14 of you marked plaintiff's No. 5 look as though it's the
15 tax return that's prepared in your behalf by your
16 accountants?
17 A It can't possibly be because it says Maryland. There's
18 no way my accountant would mess that up.
19 Q What says Maryland?
20 A It says the city, town, post office that you live in
21 Cockeysville, Maryland. But as his sitting judge said,
22 this is irrelevant. This is not Maryland. I don't
23 see -- could you please identify the Michigan tax return?
24 Q No, I'm not talking about a Michigan tax return. This is
25 based upon your --

1 THE COURT: This is a federal tax return?

2 BY MR. McLEOD:

3 Q It's a federal tax return, purportedly prepared by your

4 accountants, representing your filing, married filing

5 separately. This is your address on Ringleaf, and this

6 is the distributable amount from Morgan Stanley?

7 A I don't believe this was ever filed. This is a --

8 Q Have you filed a 2012 tax return?

9 A I have not. There's an active investigation --

10 Q No, listen to my question. Have you filed a 2012 tax

11 return?

12 A I have not filed a 2012 tax return. There is fraud being

13 investigated. I could bring the document, if I could --

14 Q No, I want you to listen to my question, please, and

15 answer simply and concisely. Your answer is, no, you did

16 not file --

17 A No, I did not file --

18 Q -- correct?

19 A -- a 2012 tax return.

20 Q And that includes federal, State of Maryland; correct?

21 A Yes.

22 Q And includes State of Michigan, you did not file?

23 A Not in 2012.

24 Q All right.

25 A I attempted to electronically file and it was kicked out.

1 Q Okay.

2 A And that's being investigated right now by Officer

3 Clinton of the IRS.

4 Q All right. When do you plan on filing that return?

5 A That is a conversation that we are having right now with

6 Officer Clinton. There are several tax irregularities

7 that we need to discuss.

8 Q We are having a conversation? Is that what you said?

9 A I don't believe you are the IRS, sir.

10 Q I'm talking about your pronoun, "we." Who is we?

11 A I have the document there. We is Richard Anthony Calice,

12 Junior, who lives in Maryland, not at 820 North Michigan

13 Avenue, and officer -- or Clinton, IRS officer, now is

14 Maryland.

15 Q Let's move on because you don't seem to be able to answer

16 a simple questions about Morgan Stanley.

17 Do you acknowledge that during the pendency of

18 this proceeding and after entry of the temporary

19 restraining order, that you withdrew monies from your

20 401(k) account?

21 A Yes, I was extorted, I received an extortion e-mail --

22 Q No, no, we're going to keep this real short and simple,

23 okay? You did withdraw monies; correct?

24 A While I was in jail I was forced to sell it.

25 MR. McLEOD: Your Honor, would you please

1 direct this --

2 THE COURT: It's yes or no.

3 MR. McLEOD: -- gentleman to answer the

4 question?

5 A On order of the court, I withdrew money.

6 BY MR. McLEOD:

7 Q Am I correct that during the course of this proceeding,

8 you, with the assistance of your attorney, Mr. Demetriou,

9 solicited and obtained from Judge Fred Borchard an order

10 dated May 20, 2014, permitting you to withdraw a little

11 over 8,000 from your 401(k) account to pay back-due

12 support?

13 A I did not get that permission. That was denied by Judge

14 Fred Borchard.

15 Q Let me show you this, maybe this helps you remember.

16 Have you seen that before?

17 A Not sure. Was I reading that from a jail cell, or just

18 before?

19 Q I don't know what you were doing. I'm asking you about

20 that piece of paper I have in your hand.

21 A Well, if this occurred before I was in jail, I never --

22 oh, this was after the hearing.

23 Q Listen to my question. Do you recognize the document?

24 A I recognize this document, yeah.

25 Q Flip to page 2. What's it say on page 2? What are you

1 authorized to do?

2 A The defendant shall immediately bill or invoice FEI, or
3 any business entity for whom he has recently provided
4 services. Upon receipt of any such funds, same shall be
5 transferred -- transmitted directly to the defendant's
6 attorney for transmittal to counsel for plaintiff.

7 Q Next paragraph?

8 A If it appears that any such funds owed to the defendant
9 will not be paid immediately, then the defendant shall
10 withdraw from his 401(k) the following amounts: 4,459,
11 representing past-due spousal support to a woman he's
12 married to. \$3,883, representing spousal -- representing
13 child support owed through May of 2014.

14 Q And do you have a recollection did that take place? Did
15 you withdraw money and give it to Demetriou to forward to
16 me to pay on to Melissa?

17 A I did not. I directly deposited into your PNC account
18 the --

19 Q So you acknowledge it was withdrawn from your 401(k)?

20 A I made -- yes.

21 Q All right. Were there other times, Mr. Calice, that you
22 withdrew money from your 401(k)?

23 A Yes. Recently I suffered a car damages --

24 Q Okay, let me just keep it very direct and simple, please,
25 because I want to get through it as quick as we can;

1 okay? Yes, there are other times you withdrew, you
2 started to say?

3 A Yes, there are other times I withdrew.

4 Q I'm not asking why. I don't want to know why right now.

5 A I understand.

6 Q How many other times were there?

7 A I would like to start from that date, there was at least
8 two other times.

9 Q From the date that we just went over?

10 A From the date we went over.

11 Q From May 28th of '14?

12 A Correct.

13 Q Okay.

14 A There were two times. One of them was not -- the check
15 is still here. It was made out --

16 Q Can you explain to me the dates and the amounts that you
17 withdrew?

18 A One date is in the amount of whatever is requested by the
19 Friend of the Court, it was for approximately
20 400-some-odd dollars. I have not cashed that check. I
21 brought it here because I understood the court needed the
22 money.

23 Q Just so that I understand, because I'm trying keep this
24 simple. You withdrew \$400, 400-some dollars from your
25 401(k)?

1 A It is not been cashed. I could transfer that over to
2 anyone.

3 Q Listen, please. You withdrew 400-some dollars from your
4 401(k); correct?

5 A Correct.

6 Q You did that, bringing it here, intending to bring it
7 here?

8 A Yes.

9 Q Did you get a court order from anybody in this building
10 to withdraw that amount?

11 A No, I did not.

12 Q All right.

13 Now there was another time you withdrew money,
14 that's what you were suggesting?

15 A Yes, there was two times.

16 Q Could you please describe that for me?

17 A The other time I needed funds to repair my car. I
18 withdrew an amount for car and service. I talked to the
19 plaintiff, asking her if I could have access for that
20 fund, telling her that -- so, yes, I did. So it was two
21 times.

22 THE COURT: How much was that?

23 BY MR. McLEOD:

24 Q How much was that?

25 A I believe that was approximate -- it was a large sum.

1 Approximately five. I would say approximately \$5,000.

2 Q Does 6,920.22 ring a bell?

3 A That would be the --

4 Q That would be the amount?

5 A If I -- I provided that documentation to the plaintiff,

6 so.

7 Q Does that sound right?

8 A That sounds approximately correct.

9 Q That would be approximately May 18th of this year?

10 A Yes.

11 Q And you didn't get a court order providing for that

12 withdrawal; is that correct?

13 A No, I did not have a court order for that withdrawal.

14 Q Thank you.

15 Do you have a copy with you, Mr. Calice, of

16 your unfiled 2014 federal return?

17 A I do not have a copy of that with me. That is presently

18 with -- in discussion with Officer Clinton.

19 Q Do you have it in your electronic storage there?

20 A The electronic storage.

21 Q You have everything in your computer, I know you do.

22 A Actually, I have everything on a publicly accessible

23 website, you can access this website on dot -- it's

24 t-o-n-y-c-a-l-i-c-e.w-i-k-i-s-p-a-c-e-s.com/similar,

25 s-i-m-a -- s-i-m -- similar, s-i-m-i-l-a-r, negligence.

1 MR. McLEOD: Your Honor, I would initially
2 request we pause and get a copy of that, but let me
3 propose, to expedite, that Mr. Calice agree to provide me
4 with a copy of that, which I will tender to the court so
5 that the court can make a determination whether my
6 Plaintiff's Exhibit No. 5 is an identical document to tie
7 back to Morgan Stanley.

8 THE COURT: I will order him to provide that to
9 you.

10 MR. McLEOD: All right.

11 THE COURT: You don't have any documents from
12 Morgan Stanley showing the withdrawal?

13 MR. McLEOD: I've got the 1099 that I just
14 showed that gentleman, and he won't acknowledge it as an
15 accurate distribution form.

16 A I acknowledge the form. I do not acknowledge that --
17 that tax form. There's an ongoing question with the
18 Internal Revenue Service on 2012.

19 BY MR. McLEOD:

20 Q I understand you're questioning the accuracy of this form
21 provided by your attorney?

22 A Correct.

23 Q So I'm --

24 THE COURT: So you're acknowledging the form
25 that you received from Morgan Stanley as to the 1099.

1 A I acknowledge that this transaction happened. I do not
2 acknowledge that --

3 BY MR. McLEOD:

4 Q I don't need the return then.

5 A Okay.

6 Q If you acknowledge getting the Morgan Stanley money, I
7 don't need your return. All right.

8 This hopefully will be a short, minor item,
9 Mr. Calice. Do you know a person named Lynn Beattie,
10 B-e-a-t-t-i-e?

11 A Yes?

12 Q Can you identify for his Honor who that person is?

13 A Lynn Beattie is the landlord that Melissa and I had a
14 residence -- we had a Maryland residence, we had a rental
15 agreement with her when we had a residence at 43
16 Winterberry Court.

17 Q And I'll show you a documentation from her if you don't
18 have a recollection, but at the time you and Melissa
19 rented, you gave a security deposit to the individual?

20 A We did.

21 Q Including a pet deposit, I think, in the total of 4,950;
22 is that something you acknowledge or recognize?

23 A Yes, it was.

24 Q Okay.

25 A Yes, I do.

1 Q All right. After Melissa relocated back to Michigan, you
2 resided there for a period of time, then you moved out;
3 am I correct?
4 A Yes, I did.
5 Q And you received some portion of that security deposit
6 back from Ms. Beattie?
7 A I never received anything. That money was sent -- I
8 was -- I never received that money. That money was sent
9 to Mr. Demetriou and Mr. McLeod. I have never directly
10 received that money, nor had that credited to any
11 account.
12 Q Well your --
13 A I believe Mr. Demetriou --
14 Q All right.
15 A -- then sent that to you.
16 Q Mr. Calice, do you recall endorsing a check from that
17 lady that you are now saying you forwarded on to
18 Mr. Demetriou?
19 A Yes, I do.
20 Q All right. I will represent for the record it's
21 1,477.82, this check here; is that accurate?
22 A I just want to take a look. That is 1,477.22.
23 Q This, of course, differs from the --
24 THE COURT: 82 or 22?
25

1 MR. McLEOD: 82.

2 BY MR. McLEOD:

3 Q And I'll correct the record, I think I said 3,950 is the
4 security deposit. Looking at her records, it's 4,950.
5 And this letter is from her to you, Mr. Calice, basically
6 summarizing deductions from that original security
7 deposit?

8 A Yes.

9 Q Do you recall seeing this before?

10 A I -- I -- yes, she communicated to me that there was
11 damages and she -- she had lessened things because of the
12 damage, or she reduced the amount of deposit returned,
13 because of damages.

14 Q All right.

15 A There was some reason she had.

16 Q She reduced it for damages, and perhaps a couple of
17 months of rent that you didn't pay?

18 A Or broken windows.

19 Q Yeah. But that would be the reason for the lesser
20 security deposit coming back?

21 A Yes.

22 MR. McLEOD: Thank you, Mr. Calice. I have
23 nothing further.

24 THE COURT: Now you can testify separately, or
25 you can respond to anything you might want to respond to

1 that he asked you at this time.

2 THE WITNESS: In terms of the IRS, since 2012
3 it has been unclear what the tax obligation is. I will
4 say that I am responsible for causing the tax obligation.
5 It is my effort that caused that to happen. I will also
6 state for the record that I am currently paying every
7 single -- I have an agreement to pay that, even though --
8 and I do want to say I had asked last year, in your
9 presence in front of Miss Clack, I asked to broker an
10 agreement where the IRS would reduce the amount we owed
11 if I could access the 401(k). You would not cooperate
12 with it, which was fine, that's your choice to do that.
13 I am now paying that IRS debt obligation.

14 THE COURT: For what year?

15 THE WITNESS: 2012.

16 THE COURT: I thought you didn't file a return
17 for 2012.

18 THE WITNESS: They still -- perhaps it was
19 2011. Regardless, I can provided the document. The IRS
20 has conclude, correctly so, that they have not received
21 the money that they are entitled to based on 1099s or the
22 outside income. I am fully paying that back. It was my
23 fault for incurring that money, and I was not -- it was
24 my fault for not paying closer attention to a social
25 worker management. I put her in a bad situation and it's

1 my fault. I am paying that. I am negotiating with the
2 IRS. I would like at some point to be able to negotiate
3 it down. Unfortunately, since the amount exceeds
4 \$50,000, the IRS will not allow me to participate in any
5 payment program, so right now I have a levy, a federal
6 levy, that reduces my income, so I only make \$850 a
7 month. This does impact the child support that's being
8 taken out.

9 MR. McLEOD: I understand.

10 THE WITNESS: So in terms of the IRS tax
11 returns, the way -- the earnings for 2012 and forward
12 have yet to be characterized with the IRS, from my
13 perspective, and I'm actively working with IRS right now
14 to determine who lives where, who's been paying the
15 majority of the support for the children.

16 MR. McLEOD: Thank you for that information.

17 THE COURT: Anything further?

18 THE WITNESS: I guess I want to make sure I
19 understand. On the order that you were referring to, my
20 understanding was that the -- well, I guess one further
21 thing I'd want to say, that I did tell your client,
22 informed your client, I restated what Mr. Demetriou had
23 said, that I have not used -- there is half of the 401(k)
24 that has not been touched. It is freely available for
25 whatever decision to have happen. I would like that to

1 be used so I can negotiate a better payment plan with the
2 IRS, but I have not taken more than half of the 401(k),
3 and I have only used it for items that I deemed as
4 necessary.

5 MR. McLEOD: What is the current balance; do
6 you know?

7 THE WITNESS: Well, I -- I would say -- well,
8 the current balance when mother left -- or the balance
9 when mother left was \$18,000.

10 MR. McLEOD: Current?

11 THE WITNESS: Since then, I have been
12 contributing -- was it more or less? We provided that
13 documentation. But it was approximately 14 or \$18,000.
14 I had continued contributing to that 401(k), and it has
15 grown to approximately 50.

16 MR. McLEOD: How much is there right now?

17 THE WITNESS: Approximately \$50,000.

18 MR. McLEOD: 50, round numbers? Okay.

19 THE WITNESS: That is in two-thousand -- today.
20 2015.

21 MR. McLEOD: Thank you.

22 THE COURT: All right. You can step down.

23 THE WITNESS: Okay.

24 THE COURT: Call your next witness.

25 MR. McLEOD: I'm finished, Your Honor. I

1 presume Mr. Calice.

2 MR. CALICE: I have one further witness that
3 was -- I guess, having said that we are not talking about
4 assets any further, so I just --

5 THE COURT: No, you can talk about assets all
6 you want. It's just he's completed his portion of the
7 case, now it's your turn. So you can call witnesses, you
8 can testify, about anything additional, regarding
9 custody, regarding assets, and you can call any witness
10 you have.

11 MR. CALICE: Okay. Well, I guess I would just
12 call one additional witness, I'd like to call Rick
13 Calice.

14 THE COURT: Okay.

15 MR. CALICE: I understand -- make sure I
16 understand your instructions. Are you no longer
17 interested in talking about \$2,000 worth of assets in
18 Maryland that may or may not have been --

19 THE COURT: If he wants to give his short
20 version of what happened, I'll allow that.

21 MR. CALICE: Okay.

22 THE COURT: Okay.

23 MR. CALICE: Thank you. I would like to call
24 Mr. Rick Calice.

25 THE COURT: Come forward please, raise your

1 right hand. Do you wear to tell the truth?

2 THE WITNESS: Yes, I do.

3 THE COURT: Have a seat right up here, please.

4 Tell us your name, first of all.

5 THE WITNESS: Richard Calice.

6 THE COURT: Okay, you may proceed.

7 RICHARD CALICE

8 Being first duly sworn at 2:24 p.m., testified under oath

9 as follows:

10 DIRECT EXAMINATION

11 BY MR. CALICE:

12 Q Mr. Calice, were you involved -- were you involved with

13 helping defendant and plaintiff relocate, or locate, or

14 move to Maryland, including their assets, did you pack

15 any boxes and put them on a bus -- truck?

16 A I can't tell you exactly how many. I knew there was some

17 I did when Mandy, the dog, was being put in a crate and

18 things. I spent some time that day. I can't remember,

19 though, if I -- I guess I would say yes, I did something

20 to help.

21 Q Did you move any of the heavy items by yourself?

22 A No.

23 Q Did you move beds by -- did you move, like, the real

24 expensive china to Maryland?

25 A No.

1 Q Okay. When -- and that was in -- in 2012, I believe this
2 is when mother and children relocated back, did you
3 transport any assets from Maryland to Saginaw, Michigan,
4 or to help mother, you know, to help your grandchildren
5 and daughter-in-law receive anything prior to a court
6 order?

7 A I don't remember if it was prior to a court order, but I
8 do remember that we would pick the children up, drive to
9 Baltimore, and we had a large van and we would fill it
10 with things from Baltimore, then would head back to
11 Saginaw and we'd drop those things off for the children.

12 Q Did anyone pay you to do that?

13 A No.

14 Q Did anyone order you to do that?

15 A No.

16 Q Why did you do that?

17 A Well, Mia had things that she liked there and she wanted,
18 and there were clothes that made sense that time of year
19 to get back, they had special things in their bedrooms
20 that they liked, and so to the best that we had room
21 available we would accommodate those.

22 Q In 2012, there was an exchange, there was a failed
23 attempt to coordinate the moving efforts from the
24 Maryland residence to the Saginaw residence at the end of
25 December, where there was an exchange with you and Mary

1 Goedert and Melissa Calice?

2 A Yes.

3 Q Do you remember that happening?

4 A I do.

5 Q Were you provided a list of items that Melissa and Tony

6 Calice, or the plaintiff and defendant, had agreed upon?

7 A Yes.

8 Q Did -- did you have any concerns at that time, since

9 plaintiff and defendant had agreed to that list, were

10 there any concerns that you had with your son, just

11 greeting her at the door and handing those items?

12 A I remember there being several different times during

13 that day where -- where the exchange was going to be made

14 at like ten o'clock, and eleven o'clock, and then I think

15 at one o'clock, and there were a phone calls that said I

16 can't make it there, I can't make it, I can't make it.

17 And I remember that my son had things planned with his

18 children, and it was becoming very difficult to go ahead

19 and do that, so I volunteered to help where I could.

20 Does that answer the question?

21 Q More specifically, was there a certain time that had been

22 agreed to for you to meet with the plaintiff, and did

23 that occur? Was there a specific time?

24 A Three different times. And then it was finally

25 determined, I think Melissa said Mary missed an exit or

1 something, and so it would be at one o'clock at the
2 storage area. And we had moved -- we had spent a lot of
3 time the night before putting all kinds of stuff in the
4 storage area that were on the list, and I was told all I
5 had to do was open it up, and I was told to let them take
6 whatever they wanted and I was just to ask them to lock
7 it when they left.

8 Q So even though the -- they didn't meet the original
9 agreed-upon time, you still accommodated them and
10 provided them access to a storage unit?

11 A Yes.

12 Q Was the storage unit locked? Could they have possibly
13 accessed it without you opening it up and making it
14 available to them?

15 A Not that I'm aware of, no.

16 Q Did they take a look inside, or express any interest to
17 retrieve the assets that you had spent a lot of time
18 putting in there?

19 A No. I opened it up, I started pointing to things on the
20 list, and I was told specifically that she didn't give
21 a -- a blank.

22 Q We're all --

23 A They stormed out --

24 Q Okay.

25 A They stormed out, she slammed the door on me, Melissa

1 did, got on the elevator and said you SOB can take the
2 stairs down.

3 Q Did it appear like there was --

4 A And I will say that Mary said, "Melissa, you shouldn't be
5 talking like that."

6 Q Did it appear like there was any interest or attempt to
7 acquire anything out of that storage unit?

8 A Absolutely not.

9 Q Later on -- and it sounds like this is a confusing day.
10 Did you also meet the plaintiff and her mother at 43
11 Winterberry Court?

12 A I did. And if I can expand, I was really surprised the
13 way things unfolded, so I went home and I wrote a letter,
14 I documented everything I could from the time they
15 arrived until the time they left, and that I think was
16 introduced to the court, so I -- I can't remember exactly
17 word for word everything that happened, but I will swear
18 that is exactly what did take place.

19 Q For the record, you have a written recollection of all
20 the specifics as it happened?

21 A Yes. Yeah, and it was provided to Mr. Demetriou who also
22 shared it with Melissa's attorney.

23 Q So how many times have you tried to accommodate this, in
24 the best interests of your grandchildren, bringing items
25 from Maryland to their residence in Michigan, without

1 being paid, without any order or obligation?

2 A I don't know the number, but I will tell you --

3 Q One time?

4 A No.

5 Q Two times?

6 A No. Every time we go to Maryland, we would have room in

7 the car and I'd bring something back.

8 Q How many times did the plaintiff or her mother do the

9 same, take an effort in trying to help -- help the

10 plaintiff and defendant through this hard time? Did the

11 plaintiff ever extend any effort or reimburse you for

12 this travel?

13 A No. And I was told not to put it in the driveway. I was

14 told to put it down at the bottom of the driveway.

15 Q When you found out that your son had violated an order

16 and was in contempt and had not given all the items on

17 the list, did you provide any support or help or

18 transfer, or any logistical coordination efforts to help

19 return these items, specifically I think a dining room

20 table, a family heirloom with the china cabinet, did you

21 assist -- did you tell your son not to give that, or did

22 you encourage your son to cooperate?

23 A I actually called Leonard Moving and asked them for

24 quotes. I wanted to help where I could. And it ended up

25 that I paid to have a trailer hitch put on my son's car

1 so that -- and paid -- helped pay for a trailer where
2 these things were loaded, and I physically saw it come to
3 Michigan and helped -- I saw it in the driveway of -- I
4 can't remember the address, wherever it was Melissa was
5 living at that time.

6 Q Was that 62 Corral Drive where she was living?

7 A No.

8 Q It was not. This moving company, is it a professional
9 moving company that generated a bill of lading
10 identifying each item that they put into the truck?

11 A That was a different time. I could only respond to -- I
12 did see you with a bill of lading for another company.
13 But I'm referring to a time where you actually had a
14 trailer hitch put on the car and had items put in the
15 trailer and delivered it. I know there was another time
16 that a moving van had been hired, and you didn't know
17 where to send the moving van because you didn't know
18 where the -- where Melissa was living at the time.

19 Q So would you say that you witnessed, or perhaps even
20 assisted, your son in hiring a moving van, packing up all
21 those items and ensuring that they got to whatever
22 address the plaintiff requested?

23 A Yes.

24 Q So approximately how many times did the defendant take
25 the initiative to meet the plaintiff halfway -- in fact,

1 let me re-ask the question.

2 Did the plaintiff and the defendant ever meet

3 halfway, say like in Ohio, so the plaintiff -- or the

4 defendant would just bring items halfway and the

5 plaintiff would pitch in and do her part and bring it the

6 other way?

7 A Not to my recollection.

8 Q Meet in the middle?

9 How many trips, approximately? Five? Ten?

10 Twelve? Would you say represents the effort of the

11 defendant bringing items?

12 A I'm -- ten?

13 Q Once a month?

14 A Between the ones I did and the ones you did.

15 Q Would it be fair to say every time the children were with

16 father, they brought back as much --

17 A Yes.

18 Q -- as could fit in the car?

19 A Yes.

20 Q And then in addition to that, there was at least one time

21 where there was a moving company that was hired?

22 A Yes.

23 Q And in addition that, there was a time when there was a

24 trailer hitch that was installed on your son's car, that

25 rented, so --

1 A Yes.

2 Q In terms of your son, your grandchildren, during that
3 Christmas visit, did you wish for your grandchildren to
4 sleep on the floor? Did you want them to have beds to
5 sleep on, or would you have just taken them away? Would
6 you take beds away from your grandchildren?

7 A I was never asked to take beds away from the
8 grandchildren. I wouldn't do that.

9 Q Would you drive all the way to Saginaw just so they would
10 have beds in Saginaw, and bring them to Maryland?

11 A No.

12 Q Do they sell beds in Saginaw, Michigan?

13 A I assume so, yes.

14 Q So you wouldn't have to drive all the way to Maryland to
15 buy a single bed for a child?

16 A Correct.

17 Q Okay.

18 In terms of the relationship, your son
19 obviously does not have a great attention to detail, in
20 terms of what we found of the filing. Have you found
21 that he has deliberately taken actions to compromise the
22 safety, the integrity or the well-being of any of the
23 court orders?

24 A I've never seen that happen, no.

25 Q Any time that your grandchild was injured, would your

1 son -- would the defendant immediately get medical care
2 and then inform the mother about the medical care or the
3 emergency?

4 A I guess I witnessed that once or twice. I have no idea
5 how many times Rocco may have gotten injured. I can't
6 answer beyond that.

7 Q Okay. Well, did your son inform the mother every time
8 that he was going to take him, take a child to his
9 Maryland pediatrician, both children to the Maryland
10 pediatrician that they were comfortable with?

11 A To the best of my knowledge, yes.

12 Q Is he -- was he forthright and honest in all of his
13 dealings with the children's well-being, that you're
14 aware of?

15 A I firmly, absolutely support that statement.

16 Q Would you be concerned with any of your grandchildren's
17 safety and well-being with your son?

18 A No.

19 Q Was there ever a time when one of your grandchildren had
20 a medical mishap, say when there was splinters in their
21 feet?

22 A Yes, Torch Lake.

23 Q Torch Lake. I understand your son and daughter-in-law
24 were there. Was your daughter-in-law able to tend to her
25 son that had all theses splinters?

1 A No, she left it up to you -- or to my son.

2 Q Was there a -- actually, in fact, don't you have another

3 daughter-in-law -- or a new daughter-in-law?

4 Congratulations.

5 A I do.

6 Q That, fortunately, had the medical expertise and

7 capability of pulling --

8 A Yes.

9 Q Helping that?

10 A Yes.

11 Q So the children are in pretty good physical care,

12 responsible physical care, I guess, with your son, you

13 would believe?

14 A I've never known that not to be true.

15 Q Have you ever witnessed emotional episodes with your son

16 and his children where there was yelling, screaming,

17 anything violent, yelling and screaming and not in a

18 joyful manner?

19 A No.

20 Q Have you ever witnessed yelling and screaming in a joyful

21 manner?

22 A Yeah, in swimming pools, and throwing each other around

23 in the lake and things like that, yes.

24 Q Did you ever witness an episode, in fact the last time

25 that Rocco -- that your grandchildren and your, I guess,

1 former daughter-in-law, or current daughter-in-law
2 whatever her status, what was -- what was the -- what was
3 that visit like in 2012?

4 A Is that the one at Torch Lake that I referenced and is in
5 the records also?

6 Q It's the one in Torch Lake, when she was present in Torch
7 Lake, despite testimony that she was here in Saginaw?

8 A Yeah. Actually, she signed a guest book and wrote a note
9 about how wonderful the trip was. I was playing with
10 Rocco, as I frequently did. I took him golfing in the
11 morning. We had breakfast. We were playing in the
12 water. And he looked up and said, "Mom's crying again."

13 And I said, What's going on? And I went up,
14 and Melissa was on the deck overlooking, and she was
15 sobbing. And I put my arm around her and I said,
16 Melissa, what's wrong.

17 And she said, Rocco loves you so much. I want
18 her [sic] to spend more time with you guys.

19 Q Has Rocco spent more time with you since 2012?

20 A No. I was told that she was the mother of the child, and
21 her attorney told her not let me see them.

22 Q When -- was your expectation that you would see your
23 grandchild again when mother and -- when the mother and
24 your grandchildren left, were you expecting that you
25 would be able to see them again?

1 A Absolutely.

2 Q Say, on their birthday?

3 A We had a good relationship, and I even called and I was
4 concerned about their safety, I knew that there were
5 issues between the mother and father by this time, and I
6 was concerned about their safety, and I asked if I could
7 see the children at school. And I was threatened that if
8 I did that, her attorney would come after me and I would
9 regret it.

10 Q Just to make sure that we have the time right. I'm
11 referring to the ten days when your grandchildren were
12 visiting you, I guess at Torch Lake, with their mother?

13 A Yes.

14 Q At that point, were you aware that mother was taking
15 them, was relocating them to Michigan for good or --

16 A No.

17 Q -- did you have the opinion they were returning back to
18 Maryland?

19 A I thought they were returning back to Maryland.

20 Q Did your son think they were returning back to Maryland?

21 A To the best of my knowledge, yes.

22 Q Why did he think that? Were in they enrolled in
23 Maryland?

24 A Yes.

25 Q Had they ever attended school in Maryland?

1 A Yes.

2 Q They had attended a full year in Maryland?

3 A Yes.

4 Q And they were enrolled for another year in Maryland. Who

5 enrolled them, do you think?

6 A I think their mother did.

7 Q Their mother did. Is it -- your grandson Rocco, what's

8 the biggest word that he can spell?

9 A I can't remember what it was. You taught him a word, and

10 I remember him spelling it at the time. I haven't seen

11 him in so long, I can't remember, Tony, or son -- sir.

12 Q Is it true that your granddaughter presented an invention

13 in front of an entire auditorium in Maryland for an

14 invention program that you had funded, that you

15 sponsored, or you wanted to provide for them?

16 A I don't remember the details. I do remember her working

17 on something, yes.

18 Q Were they ever injured when they were at Camp Invention?

19 A Not to my best of my knowledge.

20 Q If they were injured, do you think would your son have

21 informed the mother?

22 A I would -- I think he would, yes.

23 Q Yes.

24 A I have no reason to doubt he would.

25 Q Were you ever informed -- have you ever been informed or

1 contacted that the children have been injured whenever
2 they were here in Michigan?

3 A No.

4 Q Has your son ever told you that he's been contacted by
5 the mother, and participating and collaborating in these
6 discussions and has been informed of medical emergencies?

7 A Not that I'm aware of. Not that I can remember.

8 Q Has your grand -- have your grandchildren asked for help?
9 Have they ever asked for help and you've denied them
10 help?

11 A No, they've never been denied help when they ever asked
12 me.

13 Q Did you ever witness your grandson tell a judge that
14 there was a bully at Saginaw Hemmeter Elementary?

15 A Yes.

16 Q Could you please elaborate? What was the context of
17 that? When did that -- when did that happen?

18 A It was after the -- I believe it was the Friend of the
19 Court had had a meeting with the Judge, and with Tony and
20 Melissa, and they had agreed on whatever the child
21 custody --

22 Q Was this in the context -- I'm sorry to interrupt, you're
23 doing terrific -- was in the context when we were trying
24 to determine jurisdiction and best interests of the
25 children?

1 A Um.

2 Q This was the first time we met in a formal court hearing?

3 You didn't recall? Okay.

4 A I'm sorry, I can't.

5 Q Then if you could just please talk about what you saw

6 Rocco --

7 A The Judge was very happy, and he talked very highly about

8 Rocco and he was really a special little guy, and that

9 they had -- and he was going to share a few things with

10 us, but there were other things he couldn't share with

11 us, that he and Rocco talked about in confidence. And he

12 said Rocco did tell me that he was being bullied at

13 school, and I'm -- I assured him I was going to take care

14 of that. And I think the kid's name was Franz, or

15 something like that, and he said, I will make sure that I

16 take care of it. And then he had Rocco come up and sit

17 on the bench, and there was a lot of people in the

18 courtroom that heard that.

19 Q Was that a -- was that a positive -- was that a positive

20 environment? What was your impression?

21 A Oh, I took it as a very positive thing. I thought this

22 is neat that Rocco's able to confide, and he feels

23 confident that somebody's going to do something about it.

24 Q What message do you think your grandson learned about

25 legal authority here in Saginaw? About authority

1 figures?

2 A I can't say that that impacted him, Tony. I'd like to be
3 able to say that probably -- but I can't. He was, what,
4 six years old at the time? He trusted somebody, and
5 somebody didn't do what they said.

6 Q I'm sorry, did -- was your grandson lied to? By a
7 sitting judge?

8 A I can't say that. He was -- we were all told something
9 that didn't happen.

10 Q That must have been pretty disappointing for you. Were
11 you aware, has he ever asked anyone else for help? For
12 example, did he ever tell his father about a bully?

13 A I know at Thanksgiving time he told you -- he -- I was
14 aware of a conversation that he said that the Judge --
15 nobody did anything at school, and the judge didn't go to
16 school.

17 And then I remember the conversation, you said,
18 well, did you tell your mother?

19 And he said, Yes, I told my mom.

20 And what did she do?

21 And he said, Nothing.

22 That's the only part of the conversation I was
23 privy to.

24 Q Did your son look the other way, like the Judge?

25 A No, I think my son got extremely upset, and I believe was

1 going to call the Child Protective Services because he
2 felt that Rocco was being abused at school, and he was
3 concerned about his overall safety.

4 Q Do you -- did you witness Rocco's protection being
5 advocated for at that trial when there was an emergency
6 hearing last December?

7 A No, I think there was lot of anger, and there was anger
8 on my son's side, and there was anger on, I think, the
9 court's side, or whomever, because of the way that it was
10 reacted to.

11 Q Is a father supposed to be happy when his son's sexually
12 abused on school grounds?

13 MR. McLEOD: Objection. There's no evidence of
14 sexual abuse on school grounds, or anywhere else, Your
15 Honor.

16 THE COURT: I'll allow the question.

17 A I think there's a concern. I think that there was a
18 healthy concern about -- there was no feedback at all
19 about what's happening at school, and I was concerned
20 about that. I was concerned about the environment that
21 this young man, and his sister, more importantly, were
22 in, and who they were with, and who they were allowed to
23 spend time with.

24 BY MR. CALICE:

25 Q And this young man, when -- when Rocco talked to the

1 Judge, did the -- did judge, or did Honorable Fred
2 Borchard indicate that he thought that Rocco was learning
3 disabled?

4 A No, I don't think so.

5 Q Did he say that he's not very intelligent?

6 A No.

7 Q Did he, perhaps, even say that he is a very bright young
8 boy?

9 A He did. He thought extremely bright. He said that in
10 front of everybody.

11 Q Did he think he needed drugs?

12 A He didn't say.

13 Q Do you feel that those concerns that were brought up last
14 December have been openly and transparently pursued by
15 responsible parties, in both the court and Child
16 Protective Services?

17 A I think the effort was really to see if -- if my son was
18 delusional, and that he needed to -- in fact, I believe
19 it was Mr. McLeod that said that my son was delusional
20 and asked that he have to have this psychiatric exam
21 because he was delusional.

22 Q That -- I'm sorry. This was at a hearing -- an emergency
23 hearing for the well-being of your grandson, and instead
24 of discussing the grandson, they were attacking the
25 father for being delusional?

1 A Correct.

2 Q Since that time, have you witnessed any follow-up?

3 Has -- have you seen the Child Protective Services

4 investigation stating that your grandchildren are safe?

5 A I'm out of the loop. I haven't seen anything.

6 Q Are you concerned about the safety about of your

7 grandchildren?

8 A I'm still concerned about them, yes.

9 Q If they are in danger, do you think this courtroom, that

10 the Child Protective Services, the mother, or anyone in

11 the County of Saginaw would let you know?

12 A I don't think I would get a phone call, no.

13 Q Do you think they would let their father know?

14 A I think up to this point they haven't. I think that

15 they've been just deciding not to share that information.

16 Q Have -- when you made medical decisions for your children

17 when they were growing up, how did you and your wife make

18 those decisions? Did you agree on every medical

19 decision?

20 A We normally left it up to the input of all. We'd gather

21 as much input from the people involved and we would make

22 decisions based on that.

23 Q Did you feel that it was important to provide accurate

24 family history to your children's providers?

25 A Absolutely.

1 Q What would happen -- would it be in the best interests of
2 the children for the doctors to have full, complete
3 family history?

4 A I would think so. I'm not a doctor, but I would think
5 so.

6 Q Would it be good to falsify patient history?

7 A No, it would not.

8 Q That would limit the effectiveness of a doctor, probably?

9 A I would think so, yes.

10 Q Does your son falsify his children's medical history?

11 A I have not been aware of that.

12 Q Has he tried to make his children's medical history
13 available to children's doctors, even though he doesn't
14 agree to them, in Saginaw?

15 A Yes.

16 Q Has he refused any medical information for the care
17 providers of the children?

18 A Not that I'm aware of.

19 Q Has your son ever been denied medical information, care
20 information, when care is transitioned from -- when the
21 grand -- when your grandchildren's care -- let me restate
22 that question.

23 When care is transitioned from mother to the
24 father, does the father always have full and complete
25 medical information?

1 A I'm not aware of ever having that, the transfer of
2 information, because I don't think that mother and father
3 talk.

4 Q To what extent does father have to go through to even get
5 access to medical information that, presumably, he's the
6 legal guardian of?

7 A He's spent, I'm aware that a lot of time and money was
8 spent to depose doctors, to find out who was actually
9 treating the children, what they're being treated with,
10 and what their conditions were.

11 Q Isn't it just the doctor's job? Don't they just
12 provide -- do -- what doctors have you taken your
13 children to? Did you have to depose your doctors, or
14 subpoena them, in order to find out what drugs they're
15 putting your kids on?

16 A No.

17 Q So this is pretty -- the medical care environment in
18 Saginaw is pretty peculiar, it's not like Oakland County?

19 A I can't generalize. I can say specific to this case what
20 happened happened. I assume Saginaw's got very good
21 doctors. I think they've got very good judges, and
22 attorneys, and everybody else, so I'm not -- I can't
23 generalize. I won't generalize.

24 Q If a doctor is, we've heard, consistently changing
25 medications, is that a sign that the doctor -- or have

1 you ever had doctors consistently change medications on
2 your children, as a father?

3 A I -- I don't recall.

4 Q Do you ever recall giving your child a Class II
5 controlled substance when they were 7?

6 A I don't recall doing it, no.

7 Q I guess do you have any concerns that -- that perhaps the
8 children's medical needs are not being met in the care of
9 their mother here in Saginaw?

10 A I just, I have no idea. We've been totally cut off. We
11 are not allowed to have any communication. There's been
12 zero.

13 Q Do you feel intimidated being in a town that has locked
14 your son up for nonpayment of spousal support?

15 A No.

16 Q Do you feel that you might be put in jail at any moment
17 here --

18 A No.

19 Q -- or do you feel comfortable?

20 A No.

21 Q That's good to hear.

22 I guess I would -- there was another question I
23 wanted to ask.

24 You were formerly a principal?

25 A Yes.

1 Q School environment. How important is it to be in a
2 classroom when learning stuff? Is attendance important?
3 Is that part of learning?

4 A There are state guidelines and there are a lot of
5 different guidelines that make -- make decisions on
6 what's good, what's bad, and requirements of the school.

7 Q When you were a principal, was the general guidance to
8 stay in school and don't do drugs?

9 A Yes.

10 Q Have you observed that in Saginaw? Does Saginaw think
11 it's a superior education environment when children miss
12 or are absent 18 times -- days out of the year?

13 A I -- I can't generalize.

14 Q Do you know that, or do you acknowledge that, or were you
15 aware that your grandchildren while missing, not being
16 present for school, were actually taken out by one of
17 their grandparents and signed out in the middle of
18 school?

19 A I was -- I was there when we went to the school to have
20 lunch with our grandchildren, and I stood at the desk and
21 I was told we -- you and I were together, and I was told
22 that we couldn't interrupt Rocco and Mia because they
23 were having lunch, or they were on some kind of a break.
24 And then I looked down and, right there, they had just
25 been taken away by the grandparents for the day.

1 Q They were taken away by the grandparents?

2 A Well, picked up. I shouldn't say "taken away." They
3 were picked up by the grandparents. And then you brought
4 it to their attention, they said, oh, yeah that's right.
5 They just left.

6 So that's the kind of feedback and the kind of
7 information that's been available to -- to you and to me.
8 I'm just totally out of the loop.

9 Q Would you arbitrarily just take the children out of
10 school 18 times during the school year --

11 A No.

12 Q -- is that what your children did?

13 When your children had academic issues, perhaps
14 you had a son that was a freshman in college and had some
15 attendance issues himself and his grades were suffering,
16 did you find there was a correlation about between how
17 many classes he attended and his performance in school?

18 A Yes. I think that's an obvious answer.

19 Q Do you think that that might also explain a
20 performance -- a decline in performance with your
21 grandson, why he might not be able to learn how to read,
22 if he's not getting the same amount of hours as all the
23 other children are in the classroom?

24 A There's not a -- that's accurate, but I think he reads
25 very well, the last time I saw him, which has been a long

1 time ago.

2 Q You've spent time reading with him, but would your first
3 assumption be that, if someone's missing school, that
4 that's a sign of a child who's being neglected? Or a
5 child that's being well taken care of?

6 A I don't know how to answer that. I would not support
7 taking kids out of school 18 days.

8 Q And you're a principal -- or you had a former principal?

9 A I was, yes.

10 Q Let's see if I have any other questions. Well, so you
11 have a special relationship, obviously, with your
12 grandson. And then you have a -- you have a
13 granddaughter as well?

14 A I do.

15 Q Actually, how many grandchildren do you have altogether?

16 A Five.

17 Q Five. Where do they all live?

18 A Three in Plano, Texas, and two in the Saginaw area.

19 Q And how comfortable is it right now? How often are you
20 able to see your grandchildren that are in Texas?

21 A Three or four times a year.

22 Q Were they able to freely visit you here in Michigan and
23 attend your son's wedding?

24 A Yes.

25 Q Why weren't all of your grandchildren there?

1 A Because there's been no communication. We're not allowed
2 to talk to Melissa or any of her family, and we're just
3 not in the loop.

4 Q Where do you think your grandchildren -- do you think
5 your grandchildren should have been able -- do you think
6 your grandchildren have missed out and have been
7 alienated from some pretty important family events?

8 A I really do. I feel like I've lost a grandchild,
9 grandchildren, yeah.

10 Q I guess I -- I guess I don't have any further questions
11 in terms of the care of the grandchildren. I mean I
12 guess -- and so you have some concerns about the
13 children's safety and well-being here. Is it fair to say
14 that you have no assurances that the concerns that Rocco
15 brought before the sitting judge, the Friend of the
16 Court, his mother and his father, have been addressed?
17 Or have they called him delusional as well?

18 A I don't think that the things have been addressed.

19 Q Is your -- oh. Was it resolved that your son is
20 delusional?

21 A I think the report was made available to the judge, or to
22 the court, to answer the question.

23 Q I think I seem to recall that everything that your son
24 said was based on reality. Was there a similar report
25 finding that your grandson is a liar?

1 A No, I don't remember seeing.

2 Q So you have no assurances that your grandchildren are
3 safe here in Saginaw. What do you think that means for
4 their future, as long as they continue to stay here?

5 A You know what? I think grandchildren can be safe
6 anyplace if they were under the right circumstances, if
7 they're -- if I felt -- if I -- it's hard for me to say,
8 whether it be Saginaw, or whether it be in Birmingham,
9 Michigan. I have no clue what's going on. And it's --
10 and I do know there are situations that these children
11 are in that are not healthy, that I think any objective
12 court would say were not healthy.

13 Q Well, then I mean I guess I'm confused. You've seen that
14 there's a court order with parenting time. Why don't you
15 think -- have you observed that that's just not enforced?

16 A Well, it hasn't been enforced. And I've been --

17 Q Has it been modified?

18 A It's been modified. And there are discussions between
19 the Friend of the Court and one attorney, the other
20 attorney's been left out of those discussions. It was
21 very frustrating when, you know, the court order says one
22 parent should pick up the child here and the other parent
23 should pick up the child here, it applies to one, it does
24 not apply to the other.

25 And -- and there are situations that are in

1 here, that was a trip to Maryland, where the mother
2 decided she wasn't going to fly to pick the children up,
3 it was the heaviest snowfall in the century, and the
4 mother demanded that the children, my grandchildren, be
5 put on a plane by themselves, not knowing these kids
6 could have ended up in -- in London, for what everybody
7 knows, or some hodunk town in Iowa. And the court and
8 the Friend of the Court, who is supposed to be looking
9 out for the good of the children, said that either you
10 get those children on a plane or I'll put you in jail,
11 and it had the signature of Judge Borchard. And that is
12 a fact, and it's been determined, and there's been
13 nothing done about it.

14 Q Would you ever put a frightened 6-year-old grandchild --

15 A I would not put Melissa -- I would not put Mia and Rocco
16 on a plane in the heaviest snowfall in the century, when
17 they were shutting down airports all over the place; and
18 I would not, as a judge, demand that that child be put on
19 the plane. And that really ticks me off, and I apologize
20 if I'm --

21 Q That's perfectly understandable. I think their father
22 felt the same way.

23 Would you drive 650 miles to make sure that
24 they didn't have beds taken away from them and they would
25 sleep on the floor?

1 A That's --

2 Q Well, so I guess, from what I'm hearing just going back
3 that, I think you were going well there, I'm sorry I
4 messed up the what you were saying. Was there anything
5 else you wanted to add in terms of that?

6 A I was not prepared to be a witness today, let alone have
7 my son ask me questions. So I apologize if I didn't act
8 appropriately.

9 THE COURT: You're fine.

10 BY MR. CALICE:

11 Q Well, thank you. It's obvious to me, Your Honor, that,
12 you know, there's a strong sense of values and concern
13 for the safety and well-being of these children. It
14 seems to be resembled in the Friend of the Court report.
15 Do you think, are you aware, though, the Friend of the
16 Court is also a school board treasurer?

17 A I've heard that.

18 Q Do you know that she has two roles?

19 A I have heard that.

20 Q Do you think that there's potentially a conflict of
21 interest, that a school board treasurer would hire
22 someone to write a report about the school?

23 MR. McLEOD: Your Honor, should I object to
24 relevancy, or are we going to let him go on with this?

25 THE COURT: I don't know where it's going, so

1 I'll allow it.

2 BY MR. CALICE:

3 Q Just restating the question, do you think someone can
4 perform their job appropriately if they're serving both
5 the role as the school and the court? Do you think the
6 court could properly critique a school if someone serves
7 both roles?

8 A I think if it's a relationship between somebody who's on
9 one end of a, call it a divorce, a child custody issue,
10 whatever issue, and there's somebody intimately involved
11 in that and there's somebody who's a friend of the court
12 and they know each other, and the only way that you can
13 complain about that is to take it to the judge and the --
14 it just doesn't -- it doesn't seem like there's a whole
15 lot of way to bring it to light, and I do think it's
16 wrong.

17 Q And in fact, in what possible environment do you think a
18 reasonable person would say missing school and 18 tardies
19 would be a superior academic environment?

20 A It depends on situations. I couldn't --

21 Q Have you ever witnessed someone getting an academic edge
22 by missing more than 10 percent of the school year?

23 A No.

24 THE COURT: We've covered this.

25 BY MR. CALICE:

1 Q Do you think it's surprising that this court thinks that
2 that's a superior academic environment?

3 THE COURT: Where did you hear that? You're
4 speaking for me now?

5 MR. CALICE: On this Friend of the Court, I
6 thought -- does Miss Prine speak for court?

7 THE COURT: Nobody speaks for me.

8 MR. CALICE: I'm sorry.

9 BY MR. CALICE:

10 Q Was it surprising that the Friend of the Court -- and I'm
11 sorry for the distinction -- would you find it surprising
12 that the Friend of the Court would conclude that missing
13 18 days of school during the time where the child alleges
14 that he is being abused and has informed a judge and is
15 simultaneously being drugged for an unknown condition, do
16 you think that represents a superior learning
17 environment?

18 A I -- no, I don't.

19 Q How can you possibly support your child if you don't
20 know -- or your grandchild, if you don't know if his
21 cares are being attended to, and any concerns that you
22 have result in your punishment?

23 A We have had, as I said, zero communication. The -- our
24 grandchildren were taken away from us. And I will say
25 that I was in the process of hiring an attorney, but

1 my -- I didn't want to do anything to jeopardize the
2 current situation -- current court case, and so I haven't
3 done that yet. But I really feel that Rocco deserves to
4 have a relationship with his grandfather. It's been a
5 very warm one, a close one.

6 THE COURT: And he will.

7 A The mother -- okay.

8 MR. CALICE: Take your time.

9 THE COURT: The issue of parenting time is not
10 before the court during this trial, but parenting time
11 will resume that was ordered.

12 MR. CALICE: Okay. Thank you, Your Honor.

13 BY MR. CALICE:

14 Q I guess I just have one question in terms of do you feel
15 that you have continued to encourage the defendant to
16 cooperate in all things possible?

17 A I have.

18 Q The logistics of moving requested assets, that you've
19 seen him perform actions, not just words?

20 A I have.

21 Q Do you feel that the plaintiff's mother -- or that the
22 plaintiff's parents are similarly encouraging positive
23 parenting?

24 A No, I really think they're creating a toxic environment,
25 that's what -- I mean you are not right all the time, I'm

1 sorry, the son -- the father's not right all the time,
2 the mother's not right all the time, but there's no --
3 this family, while they supported and said all these good
4 things about my relationship with Rocco, and then all of
5 the sudden, At the advice of my attorney you are not
6 seeing them anymore, I'm the mother, and your
7 grandchildren don't deserve you.

8 We had a wedding this weekend. My wife went
9 out and bought all kinds of clothes, thinking there was a
10 possibility that we would have the grandchildren there,
11 and that we were just totally shut off, so -- and I guess
12 if that's the way it's going to be, it's the way it has
13 to be, but -- and one day I will have a relationship with
14 them.

15 Q That -- that sounds upsetting. I'm -- at this -- I guess
16 I -- I'm not sure what else to say other than you have
17 concerns that mother's not receiving good advice from
18 either her parents, nor her counsel, to included the
19 children with their father; does it seem like, at every
20 opportunity, the plaintiff is seeking to further alienate
21 children that were wrongfully taken from Maryland?

22 A I can't generalize. I can say they're trying to alienate
23 Rocco from us for some reason, and I have never given
24 anybody any reason to even question. I've had a -- they
25 gave -- Melissa asked me to take care of Rocco for

1 six weeks. I took him on his first airplane ride. I
2 took him, you know, I played baseball with him, I took
3 him out to construction sites, we rode on tractors, did
4 all these things, I would write a report. I've got a
5 whole packet of pictures that I took, the two of us. And
6 then some reason -- for some reason along the line they
7 decided this is no longer going to happen, and -- and
8 that's where we are.

9 Q So how do you think this time will ever get made up to
10 these children that were denied access to their father by
11 certain actors in this courtroom?

12 A I heard that the time that was taken away would be given
13 back, if it was deemed appropriate, or after the forensic
14 psychiatrist.

15 THE COURT: Let me interject. Have you ever
16 seen that before?

17 A Yes, Your Honor.

18 THE COURT: Do you think that might have had
19 something to do with the decision that was made?

20 A I do, absolutely. And I think I said it. He was --

21 THE COURT: Is that troubling to you?

22 A Is --

23 THE COURT: There's a picture of a county seal.
24 There's criticism of the judge kidnapping children.
25 There's a picture of a bomb with a fuse going on it.

1 There's a bulls-eye on a public figure. Can you see why
2 that might cause a public official to have concern?
3 A Yes, sir, I do.
4 MR. CALICE: While you're looking at that --
5 THE COURT: I'm questioning right now. You'll
6 get a chance to resume with that.
7 Do you think your son, if it is at all possible
8 that he does become delusional at times, do you think
9 going out and getting a copy of a deed from the Friend of
10 the Court which has her personal address, would you --
11 can you see where people would find that troublesome?
12 A I do.
13 THE COURT: And parading around a day or so ago
14 saying, I'm a federal investigator, I'm investigating
15 kidnapping charges from the State of Maryland, can you
16 see where that might be troubling?
17 A I do.
18 THE COURT: All right. Thank you.
19 A Could I just --
20 THE COURT: Do you have any insight on that --
21 A Yes.
22 THE COURT: -- that might help me in deciding
23 this case?
24 A I think what's happened is, and I'm, you know, a lot
25 older than he is, and they're not my children, they're my

1 grandchildren, and I -- the frustration level is so high
2 that there's no feedback at all. We have no idea what's
3 going on, except that, you know, there's this document
4 that was supposed to be -- and, please, I'm not saying
5 either one of them is right. I think that's their
6 issues, they've got issues. But I see a frustration. I
7 see how do I get -- how do I get things to happen? How
8 do I get to find things out? And so it's inappropriate,
9 I absolutely would say that, but I think it's done more
10 out of frustration and concern about his child.

11 THE COURT: Okay.

12 BY MR. CALICE:

13 Q Mr. Calice, can you please take a look at the document
14 that Your Honor provided to you, and can you please
15 identify -- read the label off of that, because I'm not
16 sure if I saw the word, an official mentioned there at
17 all?

18 THE COURT: I'll read it. It says, By the way,
19 here's an updated photo of Honorable Borchard -- and you
20 spelled my brother's name wrong, and I know how upset
21 that makes you, spelled your name wrong, so I assume
22 you'd want to correct that -- I hope that looking at it
23 will remind him about how serious child -- Saginaw child
24 endangerment is if this is the type of thing that
25 happens, Saginaw sponsors kidnapping. And there's a seal

1 of the County of Saginaw, there's an individual here with
2 a bomb next to it with a fuse burning, and there's a
3 couple more kids, with a bulls-eye on them. I'm going to
4 be asking you what your thought process was when you were
5 drawing -- when you were sending this e-mail? Because
6 you had a lot of people in the County of Saginaw
7 concerned. It doesn't really concern me, because I
8 don't -- I don't get affected by things like that. I try
9 to focus on what's going on. But, obviously, it affected
10 a lot of people along the way. And I think, no pun
11 intended, I think this blew up in your face, is what
12 happened, and that's what got things really going ugly in
13 this case. But let's move on.

14 MR. CALICE: It sounds like there was a real
15 concern about safety. Demographically, was anyone
16 concerned about a minor? That was --

17 THE COURT: Yeah, because you're their father,
18 and you're sending things like this through the e-mail.

19 MR. CALICE: Was the court similarly concerned
20 when a child approaches court and said, court, I'm being
21 bullied? Did any --

22 THE COURT: I would hope so, but that wasn't
23 done in my court. Now it's my court. And that's why --
24 that's why I have inherited every family law case in the
25 County of Saginaw. So that I can -- because of the years

1 I have practiced in family law. And hopefully that will
2 be a good thing for your case.

3 BY MR. CALICE:

4 Q I guess just before I go, how do you -- how do you see
5 the path forward, with no knowledge of your grandson's
6 safety? I guess it's been communicated from your son
7 that a child bit him on his penis on school grounds and
8 no one did anything about it. Do you believe that your
9 son accurately relayed what his son told him?

10 A I believe that. But, you know, it's time to move on.
11 It's time to -- let's take one step at a time. Let's try
12 to make things better. I just --

13 Q Do you feel that your grand -- do you know that your
14 grandson has moved on and that no longer bothers him?

15 A I don't know. I haven't seen him. I can't tell you.

16 THE COURT: Where is he, as we speak?

17 MS. CALICE: He's at Tracy and Jacob Shinnars'
18 house.

19 THE COURT: The court would like to see them
20 before court ends today.

21 MS. CALICE: Do you want me to go get them?
22 Right now?

23 THE COURT: Well, somebody go get them. I
24 wouldn't recommend you go get them, but somebody should
25 go get them. You should be here for your trial.

1 MS. CALICE: Do you want Mia too? They're
2 together.

3 THE COURT: Probably should bring them both.

4 MS. CALICE: All right. They don't know that
5 their dad's here. As the -- as the -- funny, Rick. As
6 this was approaching, I've been, since getting the
7 Hogenson report, trying to start a dialogue with Tony
8 about getting the kids. I assumed he would take the
9 kids. He would not work with me or talk to me or --

10 THE COURT: That has nothing to do with me
11 talking with the children, and I --

12 MR. CALICE: Okay. But they don't know he's
13 here, and it's already --

14 THE COURT: The court requires me to talk to
15 children. If I don't talk to children, anything I do
16 today will be --

17 MS. CALICE: I'm not saying not --

18 THE COURT: Listen to me. You tend to do that,
19 by the way. I'm not -- it's not that big a deal.

20 The court requires me to talk to the children.
21 If I don't talk to the children, anything I do here today
22 will be reversed and sent back for further hearing. So I
23 have to talk to them; okay?

24 MS. CALICE: Okay.

25 THE COURT: So if it can be today, that would

1 be great.

2 BY MR. CALICE:

3 Q I just have one final question. Until your grandchildren
4 are resolved that they're safe, can you get on with it?
5 Just because the adults have?

6 A I'm sorry? Can I get on?

7 Q Until your grandson and your granddaughter have resolved
8 that they are safe, specifically your grandson, that he
9 feels safe on school properties, cared, protected and
10 loved for, do you feel comfortable moving on until Rocco
11 is?

12 A You know, you have to move on. You just -- it's
13 unsettling, because you'd like to know more than what you
14 can.

15 Q So what is the message that you would like your grandson
16 to take away from this? When you feel unsafe and you
17 express that to adults, you would just like him to have
18 the message of move on?

19 A That he's -- I want him to know that he's loved, and
20 supported, and that we'll be here for him.

21 Q But why would he know that if no one follows up on his
22 concerns?

23 A I'm hearing that we will have that opportunity.

24 Q Okay. So until your grandson knows that he's loved, with
25 physical actions taken by responsible, caring adults,

1 until your grandson sees that happen, why would you take
2 your eyes off?

3 A Well I -- I worry about it. You can't just forget about
4 it.

5 Q So you're not -- you don't think we should just look the
6 other way because some other adult said don't worry about
7 it?

8 A No.

9 Q So when a child -- so do you believe that a child is just
10 a human being with dignity and rights, just like you and
11 me?

12 A Absolutely.

13 THE COURT: And we all agree with that. We're
14 kind of beating a dead horse here now.

15 MR. CALICE: Okay.

16 BY MR. CALICE:

17 Q Well, I just wanted to make sure. So I believe would you
18 think that your -- the purpose, the reason why your son
19 might be unresolved about the safety of Saginaw, is
20 because the issue that his son brought to him has never
21 been formally resolved?

22 A I disagree with what you said, and I'm sorry, Tony. I
23 don't think it's Saginaw. I think it's the situation
24 he's in. I think it's the specifics. The specific
25 school which happens to be in Saginaw. The specific, you

1 know, situation with the specific attorneys. I don't --
2 I don't -- I can't write off Saginaw. I mean it's -- I
3 don't -- I'm just not there. I can't do that.

4 Q Your grandchildren attended school in Maryland?

5 A Yeah.

6 Q Did they complain about being abused on the school in
7 Maryland?

8 A No, they went to the right school in Maryland, or they
9 had the right set of circumstances. It could have
10 happened. Something could have happened in Maryland,
11 too, it's just -- so I don't follow your logic on that
12 one, and I --

13 Q Do you think -- so do you think your son would have just
14 looked the other way and not told mother about this?

15 A No, I don't think he would have looked the other way.

16 Q If the roles were reversed and this happened, do you
17 think your son would absolutely inform all authorities
18 possible?

19 A I think he would go very hard, reporting to everybody
20 everything that happened, yes.

21 Q Your son believes in open, transparent, and honest, and
22 sometimes crude communication?

23 A Yes.

24 Q Well, it's very obvious to me that you care about your
25 children and your grandchildren.

1 A I do.

2 MR. CALICE: No further questions.

3 THE COURT: Thank you. Mr. McLeod?

4 CROSS-EXAMINATION

5 BY MR. McLEOD:

6 Q Sir, I think you will agree with me that being a dad and
7 a grandpa is sometimes hard?

8 A I think it is, yeah.

9 Q All right. And especially so when your kids and your
10 grandkids are in the turmoil of a divorce proceeding.
11 It's proved --

12 A This is the first time I've ever experienced it, so.

13 Q I know. And it's difficult. It's never pleasant, never
14 something we want to see people engage in or expose
15 children to. And I was intending to ask you one or two
16 questions about this Maryland fiasco, but I've got to
17 just touch upon a few because you seem to be of the
18 impression that the court system, and Judge Fred
19 Borchard, and the Friend of the Court, and everybody else
20 associated with this building somehow disregarded the
21 wishes of Rocco and the well-being of Rocco, that they
22 cast him aside without any forward moment; is that the
23 impression you have?

24 A I don't think I said that. I think what I'm saying is I
25 talked about the specifics that happened at a particular

1 time.

2 Q Yeah?

3 A And the fact that -- that somebody said I will do
4 something, and they didn't. I didn't condemn the whole
5 court system, no.

6 Q All right.

7 A I did not do that.

8 Q And are you referring to a bully, a bullying incident,
9 and you --

10 A That's correct. That specific one, yes.

11 Q -- Judge Fred Borchard alluded to?

12 A Yes.

13 Q So you're not referring to any incident that was
14 discussed on December 14th, 2014, in Judge Fred
15 Borchard's courtroom?

16 A I don't know the dates.

17 Q Okay. Are you aware, sir, because I recall you being
18 there on that day.

19 A I think I've been to all the hearings, yes.

20 Q Do you recall Judge Borchard directing Sue Prine, the
21 Friend of the Court, to initiate a referral to the Child
22 Protective Services?

23 A I cannot -- I can't deny that it happened. I don't
24 remember that happening.

25 Q You're not aware then of what --

1 A That's correct.

2 Q -- steps Judge Borchard took to move forward?

3 A Correct.

4 Q You're not aware of what if anything Friend of the Court
5 did; correct?

6 A Friend of the Court lambasted Tony right in the very
7 beginning.

8 Q I understand there were --

9 A And, I'm not going to do this, I'm not going to do that.

10 Q I understand there was significant issues. I'm referring
11 to moving forward regarding Rocco and his well-being.
12 You're not aware of what the Friend of the Court did?

13 A I'm not aware of anything they did, no, sir.

14 Q And you're not aware of what CPS did, or didn't do?

15 A I understand that there was supposed to be Child
16 Protective Services looking into it, yes.

17 Q All right. And do you know the outcome of that?

18 A No, it was not shared with me.

19 Q All right. Now I promised Judge Borchard this would be
20 very quick, and I'm going to stick by my promise. On
21 this whole Maryland fiasco with this personal property
22 that was or wasn't returned, I understand over the course
23 of time you -- and God bless you -- brought a whole bunch
24 of stuff back on various trips to the kids, and you
25 loaded up your van and you did this and you did that.

1 But that's not the stuff we're talking about. We're
2 talking about specific items under a court order issued
3 by Fred Borchard that were to be returned to Melissa.
4 It's not a list that your son and Melissa may have put
5 together at some point in time. It's part of a court
6 order. Do you know the property I'm referring to?

7 A I can only -- I'm more familiar with that list that was
8 actually done on a yellow pad.

9 MR. CALICE: Your Honor, we had addressed this
10 before. Objection.

11 MR. McLEOD: Excuse me, you can follow up if
12 you like.

13 MR. CALICE: Thank you.

14 BY MR. McLEOD:

15 Q You didn't have a copy of any court order, then, that
16 Fred Borchard entered, directing return of this stuff?

17 A I did not have a copy of it, no.

18 Q The -- let me hone it down real quick here. Mary Goedert
19 and Melissa traveled to Maryland to pick up some stuff?

20 A Correct.

21 Q And you were there, you saw they hired a U-Haul and
22 workers to help them out, and there was some fiasco or
23 headache at the storage unit, they ended up at the house,
24 the townhouse; correct?

25 A Yes.

1 Q You were there in Tony's place because he was gone
2 somewhere with the kids?
3 A Yes.
4 Q And they were there to retrieve some property from the
5 townhouse?
6 A It was specific to that, quote, list that we are talking
7 about, so.
8 Q The list somebody had provided you. Whether that was the
9 list from Judge Borchard or not --
10 A Okay, yeah.
11 Q Okay.
12 A It was not an official court --
13 Q You can't comment on that. I understand.
14 You were there, and Tony said to, I presume,
15 grant them access to the townhouse?
16 A To make sure that they received all of the items --
17 Q Okay.
18 A -- that were on that list.
19 Q Right. Question: Did you have a key to get into the
20 townhouse?
21 A I did not have a key on me to get in there. But I did
22 approach -- I was going to help them get in.
23 Q Okay.
24 A Melissa was standing on the front porch and was screaming
25 at me.

1 Q I understand.

2 A As I approached, she literally was running towards me,
3 and Mary got between us and said, No, Melissa, no, and
4 she was shoving papers like this and I said I -- Melissa,
5 please, don't. And her mother said the same thing. And
6 so I was concerned that she was going to be running into
7 me or something, and I would be charged with some kind of
8 an abuse to her, so that's why I acted the way I did. I
9 backed off, and she said, I'm calling the police, and I
10 said, I can't help you.

11 Q The emotions were high. Did you have -- you didn't have
12 a key to --

13 A My emotions weren't high.

14 Q You did not have a key to get in the place?

15 A I actually, I did not have it with me, no.

16 Q How were they supposed to get into the townhouse?

17 A We had all of the things -- as I recall, it was back at
18 Nancy Boz's house.

19 MR. CALICE: If I could remind, I believe there
20 was a lockbox on there with a code to the key that's in
21 front of the house, because there always has been.

22 MR. McLEOD: Well, apparently your dad didn't
23 know that. I'm asking how were they to get into the
24 house.

25 A He actually set -- and it may be in that letter we wrote.

1 We set everything up the night before, with all the items
2 on that list right by the front door.

3 MR. McLEOD: Okay, where are my exhibits?
4 Excuse me just a minute.

5 MR. CALICE: Could I have that cross question?

6 THE COURT: Let's take minute and everybody get
7 their stuff together. My court reporter's been going for
8 two hours straight, and we're going to give him a
9 15-minute brake and then we'll resume.

10 THE CLERK: All rise.

11 (At 3:25 p.m., court recessed.)

12 THE CLERK: All rise.

13 THE COURT: Please be seated. Sorry it took a
14 long little longer, I had a judge's meeting at
15 four o'clock that I had to get out of so that we could
16 keep going on this. You may proceed. It's my
17 understanding the children are here?

18 MR. McLEOD: I don't know. I haven't been
19 advised, I don't know if they're here or not.

20 THE COURT: And one thing we're going to do
21 before we're done today is determine what your
22 availability is for them to spend some time for the rest
23 of the summer with their father.

24 MR. McLEOD: Okay. May I finish up with this
25 gentleman here?

1 THE COURT: You may.

2 MR. McLEOD: Thank you.

3 BY MR. McLEOD:

4 Q Sir, when we took a break, I was trying to find this list
5 here of property, and this was marked Plaintiff's Exhibit
6 No. 1 earlier on when other witnesses testified, and the
7 testimony earlier was that was equipment -- or, I'm
8 sorry, that was the property that Melissa and her mom
9 traveled to Maryland to retrieve, as we have been talking
10 about. You mentioned, sir, I think you had some type of
11 yellow list, I think it was a handwritten list you had?

12 A Correct.

13 Q Looking at that, does that help you recall, does that
14 match what was on your list, or something different?

15 A Honest to God, I -- some of these things look familiar,
16 but I couldn't tell you honestly.

17 Q You can't recall?

18 A No.

19 Q Okay. Do you have any personal knowledge, sir, if these
20 items were located within the townhouse?

21 A Actually, I do remember seeing some of them that -- my
22 wife and I went in and helped package things up, because
23 when it became a one-person household we were just
24 cleaning out areas and getting ready for Tony to move.
25 So I did see, you know, crock pots, and I saw these,

1 probably, these knives and All Clad pots, things like
2 that. I'm sorry, I can't --

3 Q The bigger ticket items, the dresser, that type of stuff,
4 we heard a lot about that?

5 A Yeah.

6 Q That was in the townhouse, to your knowledge?

7 A Yes.

8 Q All right. And you mentioned you didn't have a key, so
9 they didn't get into the townhouse to retrieve anything,
10 I presume?

11 A There was a key, and I think it's in the letter I wrote,
12 there was a key --

13 THE COURT: You explained it.

14 A Okay.

15 BY MR. McLEOD:

16 Q Did they end up entering the townhouse at all, sir?

17 A No, I couldn't get -- Melissa stayed on the porch, and as
18 I was approaching she came running at me, I had my list,
19 and she had something and she was shaking and yelling and
20 was trying to grab my list.

21 Q So --

22 A So I didn't -- I intentionally did not want to go any
23 closer.

24 Q So it was an unsuccessful trip to retrieve; is that fair
25 to say?

1 A They had a lot of the stuff -- or there were a lot of
2 things at the locker that were totally open and
3 available.

4 Q All right. But then the townhouse, they didn't retrieve
5 anything?

6 A That's correct.

7 MR. McLEOD: Thank you.

8 MR. CALICE: I thought I could have an
9 opportunity.

10 THE COURT: Go ahead, a couple more questions.

11 MR. CALICE: Okay.

12 REDIRECT EXAMINATION

13 BY MR. CALICE:

14 Q In preparation for the arrival of the mother and
15 mother-in-law -- or mother of the children and the
16 maternal grandmother, were preparations taken where we
17 identified each item on the list if we had it, or if we
18 didn't know where it was, marked it missing or marked it?

19 A Yes.

20 Q Each item that was inventoried we put that on the list --
21 or it was put on a list so you knew that you had that,
22 you knew where it was?

23 A Not this list, but yes.

24 Q Was there ever an intention just to let mother run around
25 in the house, as there was trust issues, or was there a

1 plan that the movers would be escorted to each one of
2 those items in the house that your son lived in?

3 A Correct. They were. They were all by the door. They
4 were stacked up, and we had taken things down from
5 upstairs, and up from downstairs, and they were all right
6 near the door.

7 Q So there never was an intention to just open up the door
8 to your son's home and let someone that doesn't live
9 there just walk in?

10 A Right.

11 Q The intention was, if I'm stating it correctly, was after
12 I had identified each one of those items, and there were
13 items that could not be located and we had written those
14 as located, there was fully intended to cooperate, you
15 came and assisted your son in tagging and identifying
16 these so that the movers could be escorted to those
17 specific items and transported back, and the thought
18 was -- and was -- and that was not the case with the
19 storage locker, as that one was just opened up and
20 available, no one was living there?

21 A Correct.

22 Q It was just the residence of your son, you're seeking to
23 just facilitate the specific items that we had identified
24 that we had there, as well as the specific items that
25 were identified in the locker?

1 A Correct.

2 Q And they had free access to take anything in addition
3 from the storage unit that they had forgotten to mention?

4 A Correct.

5 Q So is it fair to say it was fully the most cooperation
6 that we could reasonably think of with someone arriving
7 at an unspecified time?

8 A Yeah, I think I mentioned I opened it and --

9 THE COURT: I got it. Thank you.

10 MR. CALICE: I guess that was it, so.

11 THE COURT: Okay. You may step down.

12 THE WITNESS: Thank you, sir.

13 THE COURT: It's my understanding the children
14 are here. Do you have any other witnesses?

15 MR. CALICE: I don't know if -- can I call my
16 Aunt Cathy -- or she wasn't sequestered.

17 THE COURT: She wasn't sequestered, so. And I
18 don't know what she could add, unless there's something.

19 FEMALE VOICE: You don't know what I could add?

20 THE COURT: Yeah.

21 FEMALE VOICE: Give me 2 minutes.

22 THE COURT: No.

23 MR. CALICE: No.

24 THE COURT: You heard the rule. The witnesses
25 out in the hall.

1 Children are here, apparently. I wish to talk
2 to them, and I'll come back out as soon as I'm done
3 talking to them. I will talk to them one at a time.
4 Miss Dougherty, if you can bring them back one at a time,
5 that would be great. And they will be allowed to see
6 their father today.

7 MR. CALICE: Thank you.

8 (At 3:59 p.m., court recessed.)

9 THE COURT: All right, we're back in session.
10 Anybody have any further testimony?

11 MR. McLEOD: None, Your Honor.

12 MS. CALICE: I'd like to say something.

13 THE COURT: Pardon me?

14 MS. CALICE: I would like to say something.

15 MR. McLEOD: I guess she'd like to say
16 something.

17 THE COURT: You testified. I don't -- I mean
18 if you want to call her for rebuttal?

19 MR. McLEOD: I do not.

20 THE COURT: What's that?

21 MR. McLEOD: I do not.

22 THE COURT: Okay. We can have some dialogue
23 regarding the kids, if that's what you're --

24 MS. CALICE: No, not about that.

25 THE COURT: All right.

1 The children love you both dearly, and they are
2 going to spend the rest of the summer with their dad
3 because he hasn't had them. And I'm going to ask you to
4 bring them -- that they return the Friday before Labor
5 Day so they can settle down a couple days before school
6 starts; otherwise, they're going to be unmanageable that
7 first day of school. They need a chance to -- normally,
8 we'd have them back a week before school, but because of
9 the amount of time you've missed, just have them back --
10 and it'll be the same transportation. Nothing's changing
11 because nobody -- nobody objected to the parenting time.

12 I think what happened is when all this crap
13 came out, my brother probably overreacted a little, as he
14 does, but -- and it's concerning, it's very concerning,
15 and I think if you can keep focused on what's important
16 and not get caught up with reacting, your life will go a
17 whole lot smoother. Your kids weren't kidnapped. Most
18 of their lives, most of your marriage, they lived in
19 Michigan. Your wife moved out to Maryland to try to work
20 it out, it didn't work out, she moved back, and that's
21 all there is to it. Nobody kidnapped them. We didn't
22 kidnap them. I mean she moved back. And it's
23 unfortunate because you do live a distance that it's
24 difficult.

25 But on the other hand, the parenting time you

1 have is far in excess of what most people have that live
2 that distance apart, and I'd have killed for that when my
3 daughter was young, to have that kind of parenting time
4 and I didn't have custody of her. But that wasn't an
5 issue for this hearing because nobody objected to the
6 facilitator's report, and nobody at all even referred
7 that issue.

8 The only issue that was referred was legal
9 custody. And all legal custody is, is that you two will
10 make important decisions about your children together.
11 And that's been a difficult process for you two. And I
12 don't know how it can work if it's 50/50 legal custody,
13 because it's just -- it just seems like there's more -- I
14 don't even know how to describe it. It's, you know, you
15 feed off each other. You get overly involved sometimes,
16 I think, and you as result don't tell him what you're
17 doing, and that makes him get overly involved again. So
18 it's -- you guys have created a little monster that we're
19 going to try to correct. Nobody wins and loses in these
20 trials.

21 You got two kids who love you both. And when I
22 said they were going to spend of the rest of the summer
23 with dad, they are excited.

24 They love Hemmeter. You know what your son
25 said? "I feel sorry for kids who can't go there." And

1 he just said that on his own. So there goes that worry,
2 apparently.

3 MR. CALICE: And he says he's safe?

4 THE COURT: What's that?

5 MR. CALICE: He said he was safe?

6 THE COURT: He said the kid got suspended. He
7 said he didn't think he meant to bite him where he bit
8 him. At first he told me he bit him on the arm because
9 he didn't want to say where he bit him. But he said he
10 had a lot of snow pants on and everything, and he didn't
11 think he was aiming there, and he said when he -- he was
12 so startled when he did it he ran away, and that was his
13 comment. So I think he's safe. And they -- it was
14 referred to Protective Services, and they did talk to
15 everybody. The kid was suspended from school for the
16 biting incident.

17 And a lot of that might have been all avoided
18 if you guys would learn to talk. I can't make you,
19 though. I can't change your personalities. I can't
20 change your personalities. So we are going to have to
21 see.

22 What I'm going to do, nobody called Miss
23 Hogenson, but I do have to consider her report, and I did
24 read it thoroughly, and I did look at it, and I'm going
25 to adopt her findings, with one exception. I am going to

1 give mom 51 percent legal custody and you 49, because
2 somebody's got to break the tie and it can't always be
3 me. Your son says that medicine helps him study. He
4 says he doesn't stare out the window as much. He seems
5 to appreciate it.

6 He got excited when he heard he was going to
7 your house because he said, oh, good we're going to play
8 Mario Kart, and my dad's going to write words on her
9 wrist and ask her how to spell them, and if she can't
10 spell them she's going to have to look and she's gonna
11 crash, so she'll learn how to spell. So you've got some
12 pretty ingenious ways of helping your children, and it's
13 good you work with them when they're with you.

14 This thing got way out of hand. This case got
15 way out of hand. And maybe it'll stay out of hand, I
16 won't know that until the future, but you're stuck with
17 me from now on, so so be it. I'm the only judge in this
18 county that had a family practice, and I did for
19 23 years, and I can cut through the -- get to the point
20 pretty quickly, most of the time.

21 And I think you got both sets of grandparents
22 that seem to be great people. There 's a lot of hurt
23 feelings. I want you and your dad to make one last
24 effort to box up, make arrangements to deliver the stuff
25 on the list. And I don't want a big list of what isn't

1 there. You know what's there and you know where it's at,
2 so let's make arrangements for them to get it. That was
3 a -- that was a goat rodeo that day. You guys kept
4 getting delayed because you kept getting lost. And I
5 think you misunderstood, or maybe it was the way you said
6 it was, maybe it was the way you said. I don't know.
7 But let's get the stuff transferred back that's supposed
8 to be here.

9 And it's not all as dramatic as somebody
10 stealing somebody's beds, because beds aren't that
11 expensive. When I had my daughter, I'd buy her a bike
12 for Christmas, as soon as I did, she's say, "Dad, can I
13 take it home?" What am I going to say? I'd go buy her
14 another one. So that's what you do when you have kids.
15 You gotta celebrate their birthdays. They both brought
16 that up.

17 MR. CALICE: I hope to be able to be with them
18 to celebrate, whatever time we have.

19 THE COURT: When you got them the rest of the
20 summer, have a birthday party.

21 MR. CALICE: We did this -- we will.

22 THE COURT: Okay. They don't understand
23 philosophy sometimes. And they don't care whether
24 they're with you on the day, as long as they get to
25 celebrate it. They don't care if they're with you on

1 Easter Day or on Christmas Day, as long as they get a day
2 to celebrate it with you, as long they get a day to find
3 eggs at your house. It doesn't have to be on that day.

4 MR. CALICE: It's hard it celebrate with their
5 friends, so I will --

6 THE COURT: I understand.

7 MR. CALICE: Yes, Your Honor.

8 THE COURT: This is for them. It's all about
9 them. It's all about them. I'm not going to tell too
10 many war stories, but one day my daughter came in, she
11 referred to her step-dad as dad. Of course, that floored
12 me. I said, "You don't do that."

13 She goes, "You want me to be in trouble?"

14 I said, "No, I guess not." I could have gone
15 to court and insisted that she not call him dad too, but
16 I considered her feelings. And I want you two to start
17 doing that. Both of you. Every time I give this speech,
18 these people go out in the hall and start arguing again.
19 I'm hoping that's not what you two do.

20 At first glance, when I started reading all
21 this, I thought you were crazy as a loon. Because you
22 wrote stuff you shouldn't have wrote. But you're not.
23 Okay?

24 MR. CALICE: I'm not.

25 THE COURT: But you can't come across that way.

1 And you have to be aware of that. And a lot of people
2 thought you were. All right? And I'm referring to your,
3 you know, your bomb and whatever. And so don't do that.

4 So the kid issues are pretty well decided.
5 It's going to be shared legal with 51/49, or 50-and-a-
6 half and 49-and-a-half, I don't care how you put it, but
7 somebody's gotta break the tie. And if you think she's
8 doing something totally wrong, you can still bring it
9 before the court. I just don't want every decision she
10 makes, that you guys make -- and you're to discuss with
11 him. And if it has to be by letter or e-mail, that's
12 fine too, but it's got to be discussed.

13 Your kids are pretty well doing better than you
14 guys are, and so I'd like to see you guys do as well as
15 they're doing with all this. Because you can. You two
16 loved each other at one point, you know, so try to
17 respect each other's feelings. You know, and things
18 don't always work out, I'm living proof of that, but you
19 move on and you try to be happy for each other and you
20 respect each other, and I want you guys to start doing
21 that.

22 I'm going to ask you both to give me a
23 little -- and you can update yours, Mr. McLeod, if you
24 want, regarding the assets.

25 MR. McLEOD: I'll do that, thank you.

1 THE COURT: And I want you to give me a few
2 pages on how you want the debts and --

3 MR. CALICE: I'd be -- yes, I will.

4 I also wanted to just say there was a
5 miscommunication in terms of paying the court. I do not
6 want to get in trouble for this. I do have a withdrawal
7 and a check that was never cashed, or endorsed, or
8 anything like that.

9 THE COURT: And what was the purpose of that
10 again?

11 MR. CALICE: There was a missing check that I
12 sent to the court, and I did not have the funds to create
13 another one.

14 THE COURT: All right.

15 MR. CALICE: So I withdrew from the 401(k) in
16 the exact amount.

17 THE COURT: And, you know, what you take out of
18 your 401(k) is going to have to come out of your share,
19 but, you know, we can't pay our child support out of
20 401(k), or alimony. I mean that's what we're supposed to
21 pay out of our incomes. I didn't hear anything about
22 alimony. And court isn't going to award any. The court
23 will award what you owe now, though. That doesn't go
24 away.

25 MR. CALICE: Yes.

1 THE COURT: Hopefully, your new job will
2 provide you with you a great income, and a new start, and
3 I wish you good luck. So there is no alimony for either
4 side, and that issue wasn't even presented to the court.
5 But what was there up until today's date is a debt that
6 you owe and you have to pay. And, as you know, the court
7 will enforce its orders.

8 MR. CALICE: Your Honor, in order to help me
9 continue to pay the debt -- and if you're to calculate my
10 paycheck, I'm paying more than what's necessary and I
11 want my children to have the best, but I --

12 THE COURT: Okay.

13 MR. CALICE: -- I would like to have credit, as
14 if I make what's on the paycheck. And the reason why,
15 currently, is the IRS a garnishing my wages. I'll never
16 receive more than \$850 a month.

17 THE COURT: What do you get a year?

18 MR. CALICE: It's 64 -- I'm guessing
19 approximately 65, 70,000 a year.

20 THE COURT: Okay.

21 MR. CALICE: With both this and, you know, the
22 IRS levy that I have. Which is fine.

23 THE COURT: Yeah, well you dug yourself a hole,
24 no doubt about that.

25 MR. CALICE: I guess what I wanted to say, if

1 the child support were ever to be recalculated down, it
2 would not benefit. It would hurt.

3 THE COURT: They won't take into consideration
4 your levy. They go by your income, you know, and we
5 can -- I don't know that it needs to be referred. Well,
6 it probably should since there's been changes in jobs.

7 MR. CALICE: I don't want to reduce the amount
8 that's going out.

9 THE COURT: Well, then we don't even have to
10 look at it.

11 MR. CALICE: I just would like to have the
12 credit appropriately adjusted. If I reduce the amount,
13 I'm not going to make another nickel, it'll just increase
14 the rate that's going to the IRS, so I would like to
15 just --

16 THE COURT: All right. Anybody objecting to
17 child support staying as is? Mr. McLeod?

18 MS. CALICE: No.

19 THE COURT: I see your client say no.

20 MR. McLEOD: You're okay with that?

21 MS. CALICE: Yeah.

22 THE COURT: All right, so child support will
23 stay as is, parenting time will stay as is, adopting Jill
24 Hogenson's report. I can't give you back what you lost
25 because I'd have to have them move in with you for two

1 years. That's not a possibility.

2 MR. CALICE: You wouldn't want that.

3 THE COURT: So, just like your dad said, move
4 forward.

5 MR. CALICE: I am moving forward. I guess what
6 I want to say, I'm still coming up short. There's no way
7 for me to make extra money to pay the arrearage on the
8 child support. Right now I'm overpaying, which I'm happy
9 to do. I would just like to have credit that this is --
10 so that it's treated like overpayment so I'm making
11 progress towards my debt, that I'm getting credit.

12 THE COURT: Okay. You're saying you're
13 overpaying what you're ordered to pay?

14 MR. CALICE: Right now I'm ordered to pay child
15 support based on a much larger salary.

16 THE COURT: Like what?

17 MR. CALICE: Like 150,000, 160,000, making more
18 than twice, you know, making more than twice what I
19 currently am. I don't wish to change --

20 THE COURT: Well, then we better refer child
21 support. You can pay the difference -- you can still pay
22 the same amount, but it'll go towards the arrearage if
23 your child support gets lowered, so we will refer child
24 support if you're making that much less.

25 MR. CALICE: Yeah.

1 MS. PRINE: Judge, would it be effective --
2 THE COURT: Today.
3 MS. PRINE: -- back to today's date?
4 THE COURT: Yeah.
5 MS. PRINE: Because he is paying. He has
6 arrearage, but he is paying.
7 THE COURT: Right. But if he's making that
8 much less, then obviously he's probably paying too much.
9 And you're right, you can keep paying that amount towards
10 the arrearage. You can put it in the order.
11 MR. CALICE: I would like it so if I can keep
12 the same transaction amount but get more progress
13 towards --
14 THE COURT: Right. I understand.
15 MR. CALICE: Thank you.
16 THE COURT: So I will decide the property
17 issues once I receive your summaries, and I'd like them
18 in within the next couple weeks on how you wish to rule
19 on that.
20 MR. CALICE: And, Your Honor, just to be real
21 simple, I have nothing left. Mine's simple. But I have
22 nothing left. I have no home.
23 THE COURT: Okay.
24 MR. CALICE: I have no storage unit, so I can
25 just tell you what I have. And I can demonstrate I

1 absolutely, with the support of my family, have
2 transferred everything to the absolute best of my
3 ability.

4 THE COURT: Okay. So, like I said, do a
5 summary of how you wish the court to rule on the assets.
6 And I've ruled on the child issues.

7 MS. DOUGHERTY: Judge, if I could just clarify,
8 the court is adopting Jill Hogenson's report, but the
9 provisions that are laid out in the report were based on
10 a joint legal custody arrangement. So would you like the
11 order to -- how would you like the order --

12 THE COURT: It is joint legal custody
13 arrangement, it's just 51/49.

14 MS. DOUGHERTY: So do you want something
15 additional added to this that, in the event the parties
16 are unable to agree, then plaintiff would be able to make
17 a decision on --

18 THE COURT: Right. Without -- she will break
19 the tie.

20 MS. DOUGHERTY: Okay.

21 THE COURT: And if there's anything important
22 enough that it warrants the court, the same --

23 MR. CALICE: Does that impact physical custody
24 in terms of logistics, if there is an agreement where
25 mother would pick up the children in Maryland and I

1 didn't anticipate purchasing cheap Southwest tickets?

2 THE COURT: Whatever the prior orders did,
3 whatever was ordered before, stays.

4 MR. CALICE: All right. So that's not --

5 THE COURT: Unless you two can agree to
6 something different.

7 MS. PRINE: But, Judge, he's talking about
8 transportation, if they agree, I think what --

9 THE COURT: What did the prior order say on
10 transportation?

11 MS. PRINE: That they have to follow the order,
12 and if they work out something between them --

13 THE COURT: You can always -- you don't ever
14 have to follow an order if you two agree on something
15 different.

16 MR. CALICE: I guess --

17 THE COURT: That's the way it's supposed to
18 work.

19 MR. CALICE: In terms of logistics, though, can
20 I always count on, at a minimum, if there is a breakdown,
21 I can always count on --

22 THE COURT: That you follow the order.

23 MR. CALICE: And she doesn't have 51 percent to
24 change physical logistics?

25 THE COURT: No, she can't change orders.

1 MS. DOUGHERTY: Just regarding the joint legal
2 decision making issue she has 51 percent.

3 MR. CALICE: Okay.

4 THE COURT: Not parenting time, not anything
5 else. Medical, dental, schooling, she's going to have
6 break the tie. And if there's something that you think
7 has to be brought before me, then you can still bring it
8 before me, but.

9 MR. CALICE: I have no money for an attorney.
10 I'm not bringing anything.

11 THE COURT: Well, okay, kind of one blessing
12 is, when people are out of money, they learn to get along
13 a little better since they can't afford to keep coming
14 back here.

15 I'm seeing a confused look.

16 MR. McLEOD: Thank you, Your Honor.

17 THE COURT: Are we -- do we understand
18 everything? Don't have to like it, but --

19 MS. CALICE: No, I understand, but I'm just --

20 THE COURT: What's troubling you?

21 MS. CALICE: I want to go by good faith but,
22 you know, when -- I just -- like there were certain
23 things with the order that didn't work, and I don't think
24 we anticipated it at the time. But like returning --

25 THE COURT: Nobody objected to at that order,

1 though. But talk.

2 MS. CALICE: Well, he makes me go get the kids
3 and he won't put them on a plane, even though the order
4 says that they can go on a plane. I've purchased them
5 return flights, he won't put them on a plane.

6 THE COURT: Why?

7 MS. CALICE: He said that they were scared. So
8 he fostered a fear that wasn't there before.

9 MR. CALICE: This is an isolated incident, Your
10 Honor.

11 THE COURT: How?

12 MR. CALICE: The snowstorm that closed this
13 court down for three days.

14 THE COURT: Well, okay. But you're willing to
15 put them on a plane if there's not a worst snowstorm in
16 the history of America?

17 MR. CALICE: If there's not -- if they're not
18 in peril.

19 THE COURT: All right.

20 MS. CALICE: But they were missing school. He
21 was saying he could come and get them at six o'clock at
22 night on Sunday night, when mine started. He would --
23 just anything that he could do to cause conflict, he
24 would.

25 THE COURT: I'm hoping you guys will get over

1 that.

2 MS. CALICE: That would be great.

3 THE COURT: And if you don't, I'm probably
4 going to hear from you again, and you can spend more
5 money.

6 MR. CALICE: I just want to make sure I'm not
7 in trouble. I'm planning on taking my direction --

8 MS. CALICE: He's not spending money.

9 THE COURT: He's missing work.

10 MR. CALICE: There's no money coming through.

11 THE COURT: There's no more money. Either of
12 you.

13 MR. CALICE: I am following the order. And I
14 just want to make sure that I can make my plans based on
15 that, when it's awfully surprising when it changes. And
16 I feel I'm receiving some assurances that I can take that
17 to the bank that --

18 THE COURT: Follow the order. But you don't --
19 if you guys can agree on something that works better for
20 both of you -- let me tell you something. There's going
21 to be times she'll need your help, if you guys learn to
22 get along, and there'll be times you'll need her help. I
23 mean and if you can trade, horse trade, you know I need
24 these couple days, I need these couple days. There's a
25 wedding? Okay, give me a couple days of your time. Back

1 and forth. My daughter used to figure all that out. I
2 was two hours late, she made sure I got two hours
3 somewhere else. So I mean that's just communication.
4 And you guys haven't been good at that so far, but I
5 would hope that this whole process in these three files
6 would convince you to communicate a little better, so.

7 And I also made a rule, and told both kids
8 about it. You don't talk about their mom with them. You
9 don't talk about their dad. If they bring something up,
10 that's different, but we're not talking about each other.
11 We don't do that. We don't talk about the judge
12 either -- I don't care if you do that. I got a thick
13 skin.

14 All right, anything else?

15 MS. PRINE: Judge, can Miss Dougherty do the
16 order?

17 THE COURT: Sure.

18 MS. DOUGHERTY: I'll do the order regarding the
19 plaintiff's objections to Jill's report, if Mr. McLeod
20 wants, and then just submit the judgment, I think that
21 will take care of it.

22 THE COURT: We're not going to have judgment
23 until I get your property issues and property debts and
24 things.

25 MS. PRINE: We can do an order addressing this

1 and say it should be adopted in the judgement.

2 THE COURT: Right. And I expect it to be

3 followed as of today.

4 MS. PRINE: And did you designate a time that

5 he is to pick them up, and where today? I don't know if

6 you covered that.

7 THE COURT: I'm guessing -- why don't you take

8 them to dinner today, take them home, and then pick them

9 up in the morning when mom has time to pack their stuff.

10 MS. CALICE: They've gotta travel. I can pack

11 while they're at dinner.

12 THE COURT: All right, that's fine. That's

13 fine.

14 MS. CALICE: Yeah.

15 THE COURT: Wow, that worked.

16 So, good. All right, we're adjourned.

17 MR. McLEOD: Thank you.

18 MR. CALICE: Thank you.

19 (At 4:41 p.m., court recessed.)

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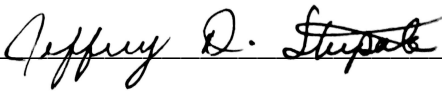
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2) SS
3 COUNTY OF SAGINAW)
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8 I certify that this transcript is a complete, true
9 and correct transcript of the proceedings and testimony taken
10 in this case before the Honorable James T. Borchard, Circuit
11 Judge, in Saginaw, Michigan.
12
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16 
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19 Official Court Reporter
20 111 South Michigan Avenue
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